This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

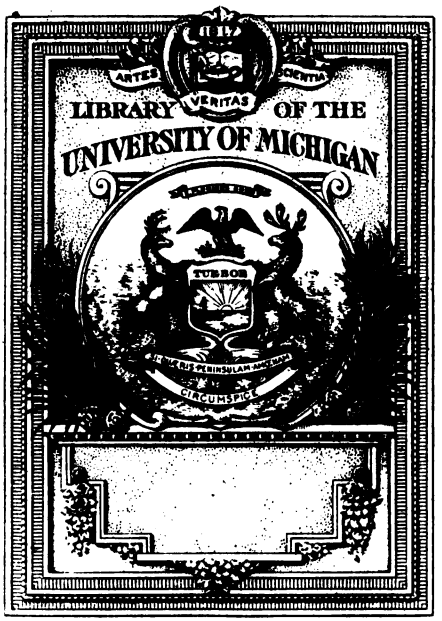
+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

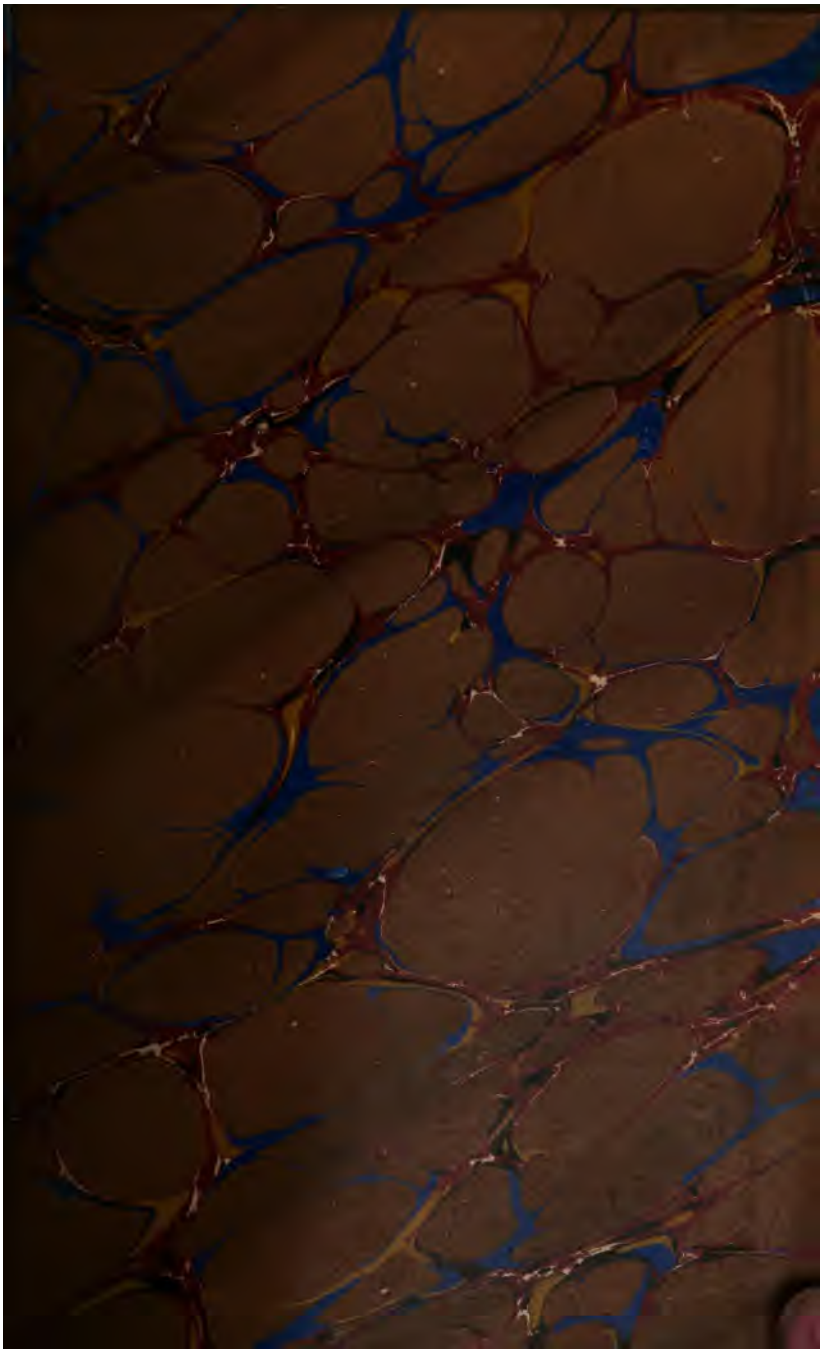
+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`


ARTES
VERITAS
SCIENTIA
LIBRARY OF THE
UNIVERSITY OF MICHIGAN
TUEBOR
CIRCUMSPICE



DA
27
.B8
187

BROUGHAM'S WORKS.

WORKS

OF

HENRY LORD BROUGHAM

VOL. VIII.

DISSERTATIONS—
HISTORICAL AND POLITICAL.

EDINBURGH
ADAM AND CHARLES BLACK
1872

Lib.
Davidson
11-15-37
35001

PREFACE.

THE entire omission in this volume of Dissertations upon subjects connected with Political Economy, Slavery, the Criminal Law, and Popular Education, is owing to the fact of the Doctrines delivered having been almost all adopted and acted upon by the Legislature since those Dissertations were published. The only exception, and, though a partial, a very important one, respects Education; and the Address on that subject to the Working Classes and their Employers (1825) would have been inserted, had it been possible to procure a copy.* It is most satisfactory, however, to find that the principle which it earnestly inculcated, of leaving the management of all Institutions for the Working Classes in the hands of the men themselves, has been adopted with perfect success in the North of England, and that there is every reason to expect from its more general adoption the remedy of the evil so much and so justly complained of, that the benefit of those Institutions has so often become confined to classes which do not stand most in need of it.

CANNES, *October*, 1856.

* [The omission Lord Brougham complains of is remedied in the present edition, the Address being reprinted from a copy that has been kindly put at the disposal of the publishers.—See p. 417 of the present volume.]

CONTENTS.

	PAGE
Balance of Power,	1
Historical View of the Doctrines of Foreign Policy,	51
General Principles of Foreign Policy,	69
Foreign Relations of Great Britain,	103
War Measures as Connected with the Balance of Power,	161
On the Making and Digesting of the Law,	207
The Inefficacy of Simply Penal Legislation,	239
Of Revolutions: particularly that of 1848,	263
On Gradual Legislation,	335
Principles of Parliamentary Reform,	347
Right of Search,	385
Practical Observations upon the Education of the People,	417

DISSERTATIONS.

BALANCE OF POWER.

THE balance of power, and the general system of international relations which has grown up in modern Europe, have afforded to one class of politicians perpetual subject of ridicule and invective, and to another class the constant opportunity of defending or attacking every measure, of discussing or affecting to discuss, every political subject, by a reference to certain terms of art and abstract ideas, of which it is fair to suspect that they little understood the meaning and the force.

Of these reasoners or declaimers, the former sect are undoubtedly the most dangerous. The refinements of modern policy which have sprung from the progressive improvement of the species, and have, in their turn, secured that progress, and accelerated its pace, are in no danger of being either perverted or brought into disrepute by the petulance of pretended Statesmen. But the sophistries and cavils which political sceptics and innovators have founded, partly on a misconception of the theory, and partly on a misstatement of the facts, tend directly to a degradation of the system in the eyes of superficial reasoners, and may ultimately renew a state of things, from which the unassisted efforts of national heroism might be altogether unable to redeem any one community.

The attacks of those men have, moreover, been extremely inconsistent and contradictory. While, at

one time, they maintain that the idea of a political equilibrium is pregnant with every species of absurdity, and would produce, if acted upon in the affairs of nations, those very evils which the system is extolled for preventing: at another time, they tell us that the notion is simple and obvious; that it arises naturally out of the passions of men; that it is no refinement of modern statesmen, but has influenced the councils of princes and commonwealths in all ages of the world. Now—the balance of power is an unintelligible jargon, invented to cover every scheme; to furnish pretexts for every act of national injustice; to lull the jealousy of the people in any emergency; or to excite their alarms upon any occasion. Now—it is useless and superfluous; an interference with the natural order of things; or an attempt to effect that which would happen at any rate. Now—it is pernicious in the extreme; the parent of wars and offensive alliances; the exciting cause of national violence; the watchword of ambitious princes and destroying commonwealths; a refinement only of injustice; and a system of nothing but treachery or caprice. It is very manifest, without any argument, that the system of modern policy cannot be liable to all those accusations at once, and that the declaimers, who have used such language with respect to it, must have been talking of very different things at different times. But as the foreign policy of nations was never, at any period of modern story, so interesting as at present, we shall proceed to offer a few observations upon that system which has often been so little understood, and is still the subject of such great misrepresentation.

The national jealousy, by which at all times the European states are animated, and which ranges them on different sides in each public crisis, has been denominated, not a principle of policy, but a national emotion. Nations, it is said, like the individuals

who compose them, are moved by caprice, and actuated by passions; excited to contention by envy and hatred; soothed to reconciliation when exhausted by the efforts of their enmity; leagued in friendship by the dictates of an interested prudence; united together by the thirst of plunder; or combined for the gratification of some common revenge. The principle (we are told) which has been pompously called the great spring of civilized policy, is perhaps nothing more than a systematic indulgence of those natural feelings which impel the savage to attack his more wealthy neighbour, or unite rival hordes in a temporary friendship, when invaded by a powerful and common enemy. The policy (it is added) which we have heard extolled as the grand arcanum of modern statesmen, and dignified with the title of a system, is nothing more than the natural result of a conflict between desire of conquest and the desire of security, refined on by ingenious men, and spun into a regular theory.

These remarks are partly true, and partly unfounded. It is true, that nations are guided by human councils, and subject, of course, to the passions and caprices of men; but it is no less certain, that the more regularly any system of government is established, the more will men of sober minds acquire a weight in the management of affairs; and that the longer the art of administering the concerns of empires is practised, prudence will gain the greater ascendancy over passion. It is true, that the dictates of feelings not always amiable, and often outrageous, are frequently, more than any impulse of reason, the springs which actuate the operations of states; but it is equally true, that in all animals the passions themselves are implanted for the wisest of purposes; that instinct is the principle to which, more than reason, the preservation of life, and the maintenance of order in the universe, must be ascribed; and that national

councils may be operating what no foresight could combine, while they appear to be swayed only by prejudice and passion. The existence of rude states is indeed frequently preserved, and their civilization insured by the operation of principles, to assist the development of which is the great pride of the most learned and skilful statesmen; yet, the want of this assistance in those rude times, and the absence of a constant superintendence and control, which renders the popular feelings useful in one case and harmless in another, is certainly the cause of that instability of national power, and those perpetual changes in dominion—those constant broils, and that state of unceasing insecurity, to which we may attribute the many revolutions in the situation of savage communities, and the long continuance of their barbarism.

That the system which we are now considering has oftentimes been abused, no one can deny. What human institution can defend itself from this charge? But many of the evils which are ascribed to the principle in question, have been owing only to an erroneous conception of its nature. Many of them have arisen, from failing to carry the line of policy recommended by it, to the lengths which it enjoins; and, in not a few instances, those events which have been deemed pernicious, would have proved altogether fatal, had not its influence modified and controlled them. We are desired, with no small appearance of triumph, to view the history of the last century; and to mark the manifold wars which the balancing system produced; the various intrigues to which it gave rise; the destructive conquests of which it furnished the pretext; and the national catastrophes which it could not avert. But had it not been for that wholesome jealousy of rival neighbours, which modern politicians have learned to cherish, how many conquests and changes of dominion would have taken place, instead of wars, in which some lives were lost, not, perhaps,

the most valuable in the community, and some superfluous millions were squandered! How many fair portions of the globe might have been deluged in blood, instead of some hundreds of sailors fighting harmlessly on the barren plains of the ocean, and some thousands of soldiers carrying on a scientific, and regular, and quiet system of warfare in countries set apart for the purpose, and resorted to as the arena where the disputes of nations might be determined! We may indeed look to the history of the last century as the proudest era in the annals of the species; the period most distinguished for learning, and skill, and industry; for the milder virtues, and for common sense; for refinement in government, and an equal diffusion of liberty; above all, for that perfect knowledge of the arts of administration, which has established certain general rules of conduct among nations; has prevented the overthrow of empires, and the absorption of weak states into the bodies of devouring neighbours; has set bounds to the march of conquest, and rendered the unsheathing of the sword the last measure; whereas, in other times, it was always resorted to in the first instance.

In the beginning of that century, we saw the gigantic power of France humbled by a coalition of princes, each resolved to undergo immediate loss, and run a great present risk, in order to prevent the greater chance of ruin at the distance of a few years. In ancient times the Stadtholder would have been more jealous of Great Britain or Austria than of France. The Great Monarch, like Cæsar, would have found a Divitiacus in the heart of the Empire. By splitting the neighbouring potentates into adverse factions, and fighting one against the other, he would, in a few years, have subjugated the whole. No power would then have conceived that common prudence required an immediate sacrifice of peace, in order to ward off a distant peril. All would have waited quietly till the

invasion came on; then, fighting with a desperate, but an insulated valour, all would have been conquered in detail by the ambitious enemy of Europe; and the story of the Roman Empire would have been renewed, when submission to foreign power, and loss of liberty, and interruption of peaceful pursuits, were no longer the phantoms of vulgar terror, or the themes of idle declamation, but real, and imminent, and inevitable calamities.

In the middle of the century, we indeed saw an ancient crown despoiled of its hereditary provinces; and the neighbouring states in vain attempting to crush the new-born energies of the Prussian power. It is, however, extremely doubtful whether the principles of an enlightened policy would not have favoured the rise of a state whose professed and natural object was the balancing of the Imperial House, and the protection of the smaller princes of the empire, against the preponderating, and formerly absolute, sway of the Austrian monarchs. And, at any rate, admitting the other powers to have been actuated by no such views, it is clear that the success of the Silesian usurpation must be attributed to the actual dereliction of the balancing system, and not to its inefficacy; for, both in the Silesian and in the Seven-years' war,* the part of Prussia was openly espoused by some of the great powers; in the former, by France and Bavaria; in the latter, first by England, and then by Russia herself. The preservation and accurate adjustment of the balance might perhaps have required some such event as the acquisition which Prussia actually made; but if the immediate object of the system, the maintenance of the established division of power, was held to be a more important consideration, it is clear

* It is well known that the peace of Dresden was only a truce; that the war of 1756 owed its origin to the causes of the former contest; and that the possession of Silesia was only secured by the peace of Hubertsburgh.

that the part of Prussia ought not to have been taken by France and Bavaria, in the one case, or by England and Russia in the other, until the usurped dominions of Austria had been restored; and then the allies of that power ought instantly to have deserted her, if she did not remain satisfied with the fruits of their interference.

Soon after the Seven-years' war was terminated, the dismemberment of an ancient European kingdom was projected by the powers who had been most exhausted in the Silesian contest, and who wished to indemnify themselves for their losses at the expense of the Poles. The success of this most iniquitous transaction, although it only demonstrates that the modern system has not been carried to its proper length—that it is incapable of changing the nature of men, or disarming the ambition and rapacity of princes—has been always quoted by a certain set of politicians, as an irrefragable proof of the futility and inefficacy of the great principle of modern politics. That calamitous event is indeed a sufficient proof, that the statesmen of Europe had for a while forgotten their most sacred principles, and that the princes who did not interfere to prevent it were blind to their best interests. It serves, therefore, to show us what would be the situation of the world, were the maxims of ancient times to be revived, and the salutary system of modern Europe to lose its influence over the councils of states; but, for this very reason, the partition of Poland cannot, with any truth, be said to prove the inefficacy of those principles, by acting in direct opposition to which, the great powers of Europe permitted it to happen. If, however, the policy of the neighbouring states provided no check to the injustice of the partitioning powers, the influence of the balancing system upon the conduct of those parties themselves, was productive of important and beneficial effects. Had the ancient maxims of national indifference and insulation prevailed in the

cabinets of princes at the crisis of Polish affairs in 1772, the distracted state of that unhappy country would indeed have called in the interference of foreign force. But this interference would have proceeded from one quarter alone. Poland would have been overwhelmed, and its vast resources appropriated, by one only of the conterminous powers, probably by the Russian empire, which would thus have suddenly acquired a preponderance fatal to the rest of Europe; and, without receiving any check in the proportional aggrandizement of the neighbouring states, would have been enabled to stretch its arm into the very heart of the great western commonwealth. But the prevalence of that national jealousy, and anxious attention to the affairs of other states, which is the master principle of the modern system, prevented the usurpation of Russia, even at the moment when she was actually mistress of the kingdom, garrisoned the capital with her troops, and ruled the national councils by a viceroy, under the name of ambassador. With all these circumstances in her favour, she was not even the first proposer of the partition. Her natural enemies, Austria and Prussia, actually gained a greater share of the spoil; and, instead of being the first victims of her extended empire, as they infallibly would have been in ancient times, they have themselves acquired, at the same moment, an increase of resources, which enables them effectually to withstand the force of her augmented power.

Although, then, it is extremely absurd to adduce the partition of Poland as an instance of the balancing system (after the manner of the Prussian statesmen),* it is equally erroneous to assert, that it proves the

* Count Hertzbergh (the king's first minister in 1772), in a speculative essay on this subject, gives the partition as an apposite case of the balancing system. It was made, he says, "Selon les principes d'une balance dont les trois puissances partageantes étoient convenues entre elles."—*Mém.*, tom. i., p. 296.

inefficacy of that system, or to deny that the rest of Europe has been saved by the influence upon the parties in the usurpation, of those principles which should have led the other great powers of Europe to prevent it. It is scarcely necessary to remark, that in asserting the injustice and impolicy of the transaction upon a great scale, we are looking to the effects of the balancing system in maintaining the independence of the weaker states. The case of Poland at present is perhaps one of the very few instances which have ever occurred, of a nation being placed in such unnatural circumstances of embarrassment, turbulence, and degradation of every sort, that scarce any change of affairs could render it worse, and scarce any revolution by domestic violence, or foreign invasion, could fail to alter it for the better. Setting apart the high-sounding phrases of patriotism and national spirit, and the feelings of admiration which the very natural emotions of pity have taught us to couple with the name of Poland, it is impossible for a sober-minded observer not to perceive, that ages of the most debasing servitude had utterly disqualified the Polish boors for enjoying the privileges of free subjects; that a lifetime divided between unceasing tumult in public, and the revellings of a boisterous, barbarous hospitality, had unfitted the rest of the state for co-operating in the formation of a constitution which should possess either energy or regularity; and that the greater part of the country has gained from a dismemberment, lamented by those who had no experience of its necessity.

The memorable events which took place at the close of the eighteenth century, it is almost needless to observe, were the immediate consequence of an adherence to the principles of the modern system of international policy. The internal state of France would never have alarmed the neighbouring nations in ancient times. Without anxiety, they would have

seen the overthrow of all regular government, the progress of Jacobin contagion, and the development of those popular energies which armed a people, devoted exclusively to war, with resistless power to accomplish the grand object of their demagogues, the overthrow of altars and thrones, and the establishment of universal empire. Far from combining to resist the progress of the new horde, they would have split into factions, and assisted its destructive course. No efforts to check it would have been thought of, until all resistance was too late; nor would those modern Gauls have found hostility effectual to oppose them from the Manlius of any capitol in Europe. That this has not been the fate of everything refined and valuable in Europe, is owing to the degree to which the maxims of the balancing system began to produce their usual effects at the very moment when the first changes took place in France. But that much injury has been done; that many independent states have been humbled; that some powers have been overwhelmed; and that melancholy changes have been effected in the distribution of dominion—has been owing to the unprincipled ambition of certain princes, and the taint of disaffection in the people of some countries, which have, together, prevented the modern system of external policy from being followed out, and have given to the common enemy of national independence an advantage proportioned to the neglect of those sound and necessary principles.

It is not, then, to the last century that we can appeal as affording arguments against the balance of power. That eventful period in the history of mankind has been marked by the formation of vast schemes, which either by their success may allure, or by their failure may warn, future statesmen to cling still closer to those maxims of conduct which are necessary to the preservation of liberty and peace.

The remarks which have been frequently made on

the knowledge of the ancients, in this branch of policy, are for the most part just. Mr. Hume, so far as we know, is the first who stated this point, in an Essay replete with acute observation, and distinguished by accuracy of classical illustration, but mingled also with some injurious perversions of facts in more recent history; and with the misstatement, in one or two points, of the great system itself, which he appears to treat with disrespect.* The celebrated passage in Polybius, which has so often been quoted,† is indeed a distinct statement of one general principle in that system; and the orations of Demosthenes contain some discussions of the most delicate parts of the theory — discussions which, from the events of his time, we may be assured were but imperfectly comprehended in those early ages.‡ But the number of discoveries or inventions, which have been suddenly made in any branch of knowledge, is small indeed. All the more important steps in the progress of the human mind may rather be termed improvements than inventions: they are refinements upon methods formerly known—generalizations of ideas previously conceived. By how many small and slowly following steps was the true nature of the planetary motions brought to light! By how many insensible gradations did that theory receive its explanation from the great law of gravitation, which, constantly and universally acting, keeps each body in its place, and preserves the arrangement of the whole system. In like manner has that theory of political expediency been gradually unfolded, and its parts refined, which regulates the mutual actions of the European nations; subjects each to the influence of others, however remote; connects all together by a common principle; regulates the motions of the whole;

* Essay on the Balance of Power. † Polyb., lib. i., cap. 83.

‡ Particularly the famous speech "Pro Megalopolitanis"—*passim*. The knowledge of the ancients on this subject is treated at large in a subsequent dissertation.

and confining within narrow limits whatever deviations may occur in any direction, maintains the order and stability of the vast complicated system. As the newly-discovered planets are found to obey the same law that keeps the rest in their orbits; so the powers, which frequently arise in the European world, immediately fall into their places, and conform to the same principles that fix the positions and direct the movements of the ancient states. And as, even in this enlightened age, we have not yet succeeded in discovering the whole extent of the planetary law, or in reducing certain apparent irregularities of the system to the common principles; so, in these days of political improvement, we have not attained the utmost refinements of international policy, and have still to lament the irregularities which continue to disturb the arrangement of the European commonwealth.

It is not, then, in the mere plan of forming offensive or defensive alliances; or in the principle of attacking a neighbour in order to weaken his power, before he has betrayed hostile views; or in the policy of defending a rival, in order to stay, in proper time, the progress of a common enemy: it is not in these simple maxims that the modern system consists. These are, indeed, the elements, the great and leading parts of the theory; they are its most prominent features; they are maxims dictated by the plainest and coarsest views of political expediency: but they do not form the whole system; nor does the knowledge of them (for it cannot be pretended that ancient states were in possession of anything beyond the speculative knowledge of them) comprehend an acquaintance with the profounder and more subtile parts of modern policy. The grand and distinguishing feature of the balancing theory, is the systematic form to which it reduces those plain and obvious principles of national conduct; the perpetual attention to foreign affairs which it inculcates; the constant watchfulness which it prescribes over every movement in all parts of

the system; the subjection in which it tends to place all national passions and antipathies to the views of remote expediency; the unceasing care which it dictates of nations most remotely situated, and apparently unconnected with ourselves; the general union, which it has effected, of all the European powers in one connecting system—obeying certain laws, and actuated, for the most part, by a common principle; in fine, as a consequence of the whole, the right of mutual inspection, now universally recognized among civilized states, in the appointment of public envoys and residents. This is the balancing theory. It was as much unknown to Athens and Rome, as the Keplerian or Newtonian laws were concealed from Plato and Cicero, who certainly knew the effect of gravitation upon terrestrial bodies. It has arisen, in the progress of science, out of the circumstances of modern Europe—the greater extent and nearer equality of the contiguous states—the more constant intercourse of the different nations with each other. We have been told by historians,* that the principle of the balance of power was a discovery made at the end of the fifteenth century by the Italian politicians, in consequence of the invasion of Charles VIII. Against such statements as this, it is perfectly fair to adduce the arguments of Mr. Hume and others, who have traced in ancient times, vastly more refined notions of policy than any that dictated the Italian defensive league. It was, in truth, not to any such single event, that the balancing system owed either its origin, or its refinement; but to the progress of society, which placed the whole states of Europe in the same relative situation in which the states of Italy were at that period, and taught them not to wait for an actual invasion, but to see a Charles at all times in every prince or commonwealth that should manifest the least desire of change.

* Robertson's *Charles V.*, vol. i.

The circumstances of the European states, by promoting national intercourse, have been singularly favourable to the development of those principles of easy and constant union. Consolidated into one system of provincial government under the empire of Rome, they were separated by the same causes, and nearly at the same time. Reduced by a people whose character and manners were never effaced by the most rapid conquests, or most remote emigrations, they were formed into divisions under constitutions of the same nature, peculiarly calculated to preserve the uniformity of customs, which originally marked the whole. The progress of political government has been similar in all, from the dominion of the nobles to the tyranny of the prince, and, in these latter times, to the freedom of the people. That spirit of commercial intercourse, which produces a perpetual connection, little known in the ancient world, has conspired with the similarity of situation, and the resemblance of manners, to render Europe a united whole within itself, almost separated from the rest of the world;—a great federacy, acknowledging, indeed, no common chief; but united by certain common principles, and obeying one system of international law.

It is from these natural sources, through this gradual progress, and not suddenly from any accidental occurrences in the fifteenth century, or from the cabinets of particular statesmen, that we must deduce the refined system of interference, which has regulated, for so long a time, the councils of Europe in foreign affairs; and we are to consider the union of the Italian states against the invasion of Charles, merely as a symptom of the same progressive improvement, which has since taken place in the other parts of Europe.

The question of the propriety of a nation interfering with those concerns of its neighbours, which have only a remote connection with its own interests, may be stated in two different forms;—either as a general

question applicable to any state, or in its particular reference to the situation of a nation placed in certain circumstances. Thus many politicians, who have no hesitation in recommending the balancing system to such powers as Austria and Prussia, placed in the heart of Europe, and surrounded by many other states of various complexions and magnitudes, are yet of opinion, that the situation of Great Britain is very different; that she is, by nature, insulated from the rest of Europe; that she can defend herself against any invasion, by means of her natural barrier and internal resources; and that she ought not to sacrifice the improvement of those resources, and the means of maintaining peace, to the vain wish of holding the European balance, and embroiling herself in the stormy politics of foreign states. Without entering fully into the discussion of this great national question, we may remark, that so long as Great Britain is engaged in a commercial intercourse with other nations; so long as her insular situation only serves to promote and extend those commercial relations; so long as other states possess a large portion of sea-coast, engage in a wide commercial circle, and are acquiring a navy of formidable power; so long as Britain interferes with them in other quarters of the globe, where her dominions are the most valuable and extensive,—it is an abuse of language to talk of her being separated from the continent of Europe by the straits of Dover. The transport of an army by sea is often more easy than the march over a considerable tract of land. The fate of a naval engagement is generally more quick, decisive, and dependent upon fortune, than the siege of barrier towns, or the forcing of mountainous passes; and the elements may, by retaining the British fleets in Plymouth or Portsmouth, while they waft the enemy's squadrons from Brest or the Texel, destroy in a moment that bulwark to which we vainly intrusted the national defence, and render utterly useless the

whole *natural force* (as it is termed) of the country, which, after a change of weather, may display, triumphantly, its flags over every sea in Europe, while the Consular legions are revelling in the plunder of the Bank, or burning all the dockyards in the kingdom. To say that England may trust to her fleets, then, is to recommend a full reliance upon the chance of a single battle, or the event of a sea-chase; to inculcate a silly confidence in good fortune, and to advise that the fate of Great Britain should be committed to the changes of the elements, the shifting of a wind, or the settling of a fog. It is to her armies that every nation, insular or continental, must look for her sure and *natural defence.* But although it would be absurd to recommend, that the internal resources of a country should be neglected, either in order to favour its naval force, or in order to commit its defence to the movements of intrigue, and the efforts of foreign policy; yet he would be an equally dangerous counsellor who should advise us to neglect those means of preventing war, and of rendering it harmless when it does occur, which are only to be found in a compliance with the principles of the balancing system.

When the different nations of Europe placed their whole glory in the splendour of their warlike renown, and attended only to the improvement of their military resources, every person of free rank was a soldier, and devoted his life to the profession of arms. But as soon as the arts of peace acquired an ascendancy, and other fame beside that of martial deeds was sought after, war became an object of dread, as deranging the main operations of society, and exposing the national independence to unforeseen casualties and dangers. Instead of being followed for its own sake, it was now only resorted to as a necessary evil, to avoid a greater risk. The first great consequence of this change in the occupations and character of men, was the separation of the military from the civil profes-

sions; the intrusting a small class in each community with the defence of the rest; the adoption of standing armies, one of the most important improvements in the art of government, with which history has made us acquainted. As this great change has disarmed war of its greatest dangers, so, another change, equally important, has arisen out of it, rendered wars much less frequent, and confined their influence to a small portion of the centre of the Continent. The European powers have formed a species of general law, which supersedes, in most instances, an appeal to the sword, by rendering such an appeal fatal to any power that may infringe upon the code; by uniting the forces of the rest inevitably against each delinquent; by agreeing, that any project of violating a neighbour's integrity shall be prevented or avenged, not according to the resources of this neighbour, but according to the full resources of all the other members of the European community; and by constantly watching over the state of public affairs, even in profound peace. Such, at least, would be the balancing system, carried to its full extent; and such is the state of refinement towards which it is constantly tending. The division of labour, too, and the separation of the military profession, has been carried by some of the richer nations to a still greater extent, than the mere embodying of standing armies. Those states, which are the most injured by the operations of war, are also the richest in superfluous stock. They have contrived a species of pecuniary commutation of war, similar to the commutation of military service, which paved the way for the introduction of standing armies: they have managed to turn off the battle from their gates by paying less wealthy allies for fighting in their cause at a safe distance. The operations of war are in this manner rendered more harmless, and a foundation is laid for their gradual disuse. A few millions that can be spared are sacrificed, and a few lives: the arts of

peace continue to flourish, sometimes with increased prosperity; and the policy of preferring to purchase defeat, if need be, at a distance rather than victory at home—of paying allies for being vanquished, rather than gain triumphs on our own ground—has been amply rewarded by the safety, increased resources, and real addition of power, which result from an enjoyment of all the substantial blessings of peace, with the only real advantages of necessary warfare.

Such are the general outlines of the modern system, founded upon the preservation of a balance of power. The science which professes to discuss the general principles of this system, and their particular application in detail to the actual situation of the European powers, is, consequently, next to jurisprudence, the most important that can occupy the attention of the statesman. It has, however, been alleged, that this is an inquiry reducible to no general or fixed principles; that it does not deserve the name of science; that it depends on the caprices of a few individuals, and the variations in their views or measures, occasioned by accidental occurrences. Mr. Hume, in particular, at the very time when he recommends the drawing of our conclusions on subjects of domestic policy as fine as it is possible, adds, "that in these affairs, the inferences rest on the concurrence of a multitude of causes, not as in foreign politics, upon accidents, and chances, and the caprices of a few persons."* It may, however, be observed, that the very same general arguments, so irresistibly stated by this acute and profound writer, to prove that politics may be reduced to a science,† apply as well to the foreign as to the domestic policy of a state. A few more particular remarks may serve to set this point in a clearer light.

1. All the governments of Europe have tended uniformly, and not very slowly, towards greater freedom

* Political Essays. † Essay III.

and mildness, since the rise of commercial policy in modern times, and the general diffusion of knowledge by the art of printing. Instead of a collection of despots, actuated, in all their plans of internal and external arrangement, by caprice or accident, the system of European princes is now an assemblage of deputies from the different nations, which have intrusted them with certain powers and commissions, for the public good. In the execution of their trust, indeed, they are not directly accountable to any human authority; but, even in the states where no constitutional control is appointed to the power of the crown, the indirect influence of a numerous and enlightened people is uniformly strong upon the councils of the monarch. It is always his interest to rule by gentle and agreeable means, and to further, by every measure in his power, the prosperity of his state. This interest, though for a while it may be concealed from his eyes, or overruled by opposite passions, can never be long hidden from him; but must always, in the long-run, force itself upon his attention, and be, for the most part, the guide of his conduct. The government of the most despotic princes offers constant examples of a submission to that opinion, which under them can scarcely make itself heard; exhibiting not a few instances of obedience to the voice, which, from its resistless power over divans themselves, has been emphatically called the voice of God. A check is thus provided for the violence of royal passions, and a guide or regulator for the movements of even a despot's caprice. In the comparatively free governments of modern Europe, however, the influence of public opinion is direct; the voice of the nation is acknowledged; and the will of the people is in general obeyed,—the only doubt being as to the particular line of conduct which that voice and will indicate.

2. As almost all princes rule by the advice of ministers, and must execute their decrees by the assistance

of a great number of functionaries; the connexion of those men with the people at large; their responsibility to their country; the odium and personal danger which attaches to a failure of any plan executed by their intervention, whether suggested by their councils or not, must quicken their perception of every national danger, and embolden them to withstand, in the cabinet, any pernicious measure dictated by the ignorance or caprice of their master. Where so many must thus, in some degree, concur in every act of the sovereign power, and so many are responsible, in the eyes of the country, for every abuse in the government, it is manifest that the chances of wilful misrule, through the unprincipled caprice, or rashness, or levity, or passions of a single monarch, are considerably diminished; and that the true interests of the country, in its relations to foreign states, can only be lost sight of or thwarted during casual intervals, when the ministers are utterly careless of popular opinion, in comparison of their master's will, and the prince is so shortsighted, and so corrupted by his unfortunate situation, as to despise his best interests, and disregard his chief danger. The actual responsibility of every minister to the country, even in governments the most unprincipled and despotic, and the submission of the sovereign to the will of the people, however debased, is proved by so many striking facts of common notoriety, that it is scarcely necessary to state them in illustration of the foregoing remarks. "The Soldan of Egypt" (says Mr. Hume)* "or the Emperor of Rome, might drive his harmless subjects, like brute beasts, against their sentiments and inclinations; but he must at least have led his Mamelukes or prætorian bands, like men, by their opinion." There is evidently somewhat of inconsistency between the two parts of this proposition. For, unless those Mamelukes and prætorian guards were so numerous as

* Essay IV., on the Principles of Government.

to command the whole state, and so separated from the rest of the commonwealth as to participate in no degree in their feelings, and to be altogether unconnected with their wrongs, it is clear that in the long-run they must have been influenced by the national opinion. At any rate, although, in the *domestic* concerns of Egypt or Rome, the interests of the two orders might be frequently opposed to each other, and those of the people be neglected, there can be no doubt that, in the *external* relations of the state, the two classes formed but one body, and the best interests of the whole were the same, The caprice of the soldan, or emperor, then, could never, for any length of time, stifle or disobey the voice of those bands whom he had to guide by their goodwill, and rule by their opinion; that is, by partly yielding to, and partly directing their wishes.

In the most despotic governments of the East, the fury of a mob frequently obtains a change of ministers, which is always a change of measures. The vizier who commands a vanquished army, who advises an unprosperous war, or concludes a disadvantageous peace, is bowstringed at the first murmurs of the mob, and his body thrown to appease them. This is a sacrifice made by the most absolute of monarchs to the will of the most enslaved people in the world. The power of the Grand Signior which lays every Mussulman prostrate at his feet, does not extend to the enacting of any law which might add to the taxes of the empire. He may crush the proudest of his bashaws, and squeeze from the richest of his officers every part of their accumulated wealth: he may bowstring thousands, whom ancient opinion and religious prejudice has taught to believe that their lives were made for his sport; but he dares not issue any regular ordinance for a single general impost: or the same people, who, in the strange contradictions of this unnatural state of society, had kissed the axe that was lifted against

their lives, would now raise their united voice with a force powerful to reach the innermost recesses of the seraglio.

When Peter the Great of Russia wished to invert the order of succession to the Imperial throne, from an unnatural antipathy to the Czarowitch, whose rights had formerly been in some degree acknowledged, he did not think it sufficient to issue an express edict, declaring the power of the Emperor to fix upon any successor that he chose. He began, by accustoming the minds of men to such an unsettled and arbitrary mode of inheritance, in cases of private property. He published a previous ordinance, obliging each father to bequeath his whole real property to one of his children, leaving him the choice of his heir. This singular barbarian, notwithstanding the many vices that stained his character, and the constant cruelties in which his reign was spent, had the merit of beginning the civilization of his boundless empire. He wished to raise his savage and enslaved people to the rank of men; and the ordinance which we have mentioned, is an instance of submission to their will, from a real or supposed necessity, and from a wish to bring about a change in their opinions. The succeeding Czars have adopted a regular mode of receiving the opinions of the most respectable and enlightened part of their subjects, and of imposing a check on their own authority. Upon a new and general law being drawn up, the *ukase* containing it is transmitted to each of the *governments;* and the viceroys may assemble the different *courts* to consider it. If they unanimously disapprove, they may present a *representation* against it to the senate. The law is reconsidered, and is not obligatory on the realm, until another ordinance has been issued, confirming the former.* The passion for legislation which distinguished the Emperor Joseph II. produced many

* Tooke's *Russian Empire*, vol. ii., p. 395.

laws disagreeable to the people: and although the whole tenor of that monarch's reign demonstrates how little he was disposed to recognize the rights of his subjects, yet those obnoxious regulations were generally abrogated almost as soon as passed. While he was dragooning the provinces of the Netherlands into a surrender of their most sacred privileges, and purposely acting in direct opposition to the wishes of his constituents in the Imperial diet, he could not obtain the acquiescence of Austria (where his power is absolute by law) in a trifling and absurd regulation prescribing the interment of dead bodies in lime-pits: and the discontent of that part of his empire obliged him to abandon this idle measure.*

3. It must be evident to every one, that the only reason why the theory of international relations has been supposed incapable of being reduced to fixed principles, is, the apparently small number of persons concerned in regulating the external policy of states. Where a great body of the people are nearly interested, and take a part in each measure; where their consent, advice, or acquiescence, is necessary to the execution of every plan; it is clear that there is always a much smaller chance of capricious and irregular operations being carried through, than where one or two individuals only are concerned. It is a remark of Machiavel, distinguished by his usual acuteness and depth, that although, in matters of general discussion, the people are often mistaken, yet, in matters reduced to particulars, they are most sensible and judicious; that the prince is much more apt to be ungrateful, both through avarice and suspicion, than the people; that the multitude is generally both wiser and more constant than the prince; and that those leagues or confederacies are more to be trusted which are made with free states, than those which are made with princes. For

* Mirabeau, *Monarchie Prussienne*, tom. iv., p. 472, 4to edition.

the demonstration of these important and curious propositions, both by reasoning and illustration, reference may be had to the discourses of the Florentine Secretary,* more particularly the fifty-ninth chapter of the first book, which is most in consonance with our present reasonings, and contains as strict a demonstration of the principle, as any that we meet with in geometry, making allowance for the different nature of the evidence.† As we have shown that in all states, whether free or enslaved, the regulation of public affairs is, in some degree, influenced by public opinion, and that the most despotic princes are not free from its influence, either directly, or through their subordinate agents; it may be inferred, that the principles of the Italian statesmen are applicable, in some measure, to the movements of all independent communities; and that the external as well as internal affairs of states are the more steady, the more reducible to certain laws, the greater the number of men is, to whose management those affairs are entrusted, and the more extensive the circle is, whose opinion or will affects that management.

4. The relative interests of different nations are affected by various circumstances, either unalterable, or only slowly alterable, in their relative situation and domestic state. The knowledge and comparison of those circumstances forms the foundation of the science, the principles of which we are now considering; and it is very evident that this knowledge must be of as difficult acquisition as it is important and practically useful. For, in order to have a clear view of the foreign relations of any power, it is necessary to be acquainted with the circumstances, not only of that nation, but of all the rest which compose the European

* *Discorsi sopra la prima deca di* T. Livio. Lib. i., cap. 29, 47, 58 and 59.

† Cap. lix. *Di quali confederationi ò lega altri si puo più fidare, ò di quelle fatte con una Republica, ò di quelle fatte con un Principe.*

commonwealth; to learn accurately their political state; to investigate their national characters and habits; to consult minutely their statistical situation:—so intimately is the federal power (the *puissance fédérative* of the foreign politicians) blended with the internal force, and the relative position with the insulated state of any country. The temporary circumstances of the different powers deserve also to be considered in a practical point of view:—the court intrigues; the leading characters of the military or political departments; and the distinguished men in the literary world. These make up, in the great book of politics, what may be called the chapter of accidents; and it is a chapter which perpetually sets all the inferences and calculations of the other parts at defiance. Except this last head (and it is obvious that every other branch of the subject is general and reducible to fixed principles), the circumstances which we have enumerated are of a general and invariable nature, or they vary slowly and regularly, and according to certain laws, which it is the business of the political philosopher to ascertain. The last kind of circumstances mentioned, are, indeed, more irregular, and their disturbing force is not denied. But, in considering the effects of the former, we must lay out of view those deranging causes, as we demonstrate (in Dynamics) the properties of the mechanical powers, without taking into view the effects of friction, or the resistance of the medium in which the machines work. In a practical point of view, those disturbing causes must be carefully weighed; and to investigate them, is the business of the lawgiver, the prince himself, his ministers of state, with his agents in diplomatic affairs: in a word, of the practical politician or statesman; a character of distinguished rank in every country, filling at once the most dignified and difficult place which man can occupy, and very little deserving of those ill-tempered invectives which Dr. Smith chose to heap upon it, in a

humour not unnatural to one who had seen how very seldom this great and important character has been adequately supported.*

That such disturbing causes do exist to affect the foreign relations of every state, is no more an argument against the science of which we are treating, than the undoubted existence and effects of causes exactly similar in the domestic policy of states is a reason for denying (what no one now thinks of doubting) that the principles of government are reducible to a general and certain science. The degree of vigour inherent in any form of government—the freedom enjoyed by the people—the influence of the privileged orders upon the great engine of the state—all these are liable to be affected every moment, and are sometimes actually affected by the characters of the leaders in the different departments of the constitution. Yet no one, since the days of Aristotle, has denied, that the doctrines of monarchical, aristocratical, and democratical polity, are reducible to certain general principles; and that the nature of government, in general, is a subject of scientific inquiry.

In fact, the foreign affairs of nations are much less apt to be influenced by accidental events, than is generally imagined. The death of a civil or military chief, who had supported the greatness of a state by the vigour and wisdom of his councils, or the glory of his arms, is seldom, if ever, a cause of great change in the relative importance of that country. Great men rise in certain circumstances; they are disciplined in particular schools; they train up successors for themselves; they are called forth by certain emergencies in public affairs. This is more particularly the case in

* In the passage here alluded to he calls the practical statesman "*an insiduous and crafty animal;*" forgetting, surely, that Cæsar, Cato, Demosthenes, Cicero, Richelieu, and many others, who have made the world tremble at their names, or revere their memory, must be ranged in this very class.—*Wealth of Nations*, book iv., chap. 2.

great systems, either civil or military—in the extensive governments, or vast regular armies of modern times, all the operations of which are combined, and mutually dependent one upon another. As these can only be carried on by the united exertions of many persons of the same habits and cast of talents, their success must always depend on the union of men whose abilities and experience in their arts are extensive. If the general or the statesman fall, his place will be filled by some of those whose talents have assisted him in subordinate branches of employment; and the constant demand for merit in a certain department will generally excite men to apply their attention to the acquisition of the excellence so much wanted, and so well rewarded. Great occasions draw into public life such men as have long been labouring to fit themselves for their station; and new talents, new powers, frequently spring up in a man's mind, when he is placed in a situation of pre-eminent difficulty and splendour sufficient to call them forth. The great object of every nation should be, to remove every impediment or check which may prevent such men from rising into the stations for which their natural or acquired faculties render them fit. Under a free government, the restrictions upon the rise of real merit are much fewer than under a despotism; and the chance of preferment is extended to a much wider circle. In those countries, then, much less consequence may be attached to the existence or to the loss of a particular man. It is seldom that we meet with Fleurys, or Turgots, or Bernstorffs, or Hassans: but a Walpole, or a Pitt, is, happily for mankind, frequently reproduced in the course of an age. Thus the appearance of those illustrious characters, in whose hands the fates of nations are placed, is much less regulated by accident than is generally supposed, more especially in modern times and in free states. It follows, that, even in that branch of foreign policy which we have denominated the chapter of accidents,

some principles may be traced; and that less is to be imputed to blind hazard than most men are at first apt to imagine. May we be allowed to hope that the time is approaching (not rapidly, or by violent changes, but slowly and quietly, like all those arrangements of nature which tend to the substantial improvement of the species), when the establishment of equal rights, and rational systems of regular government over the whole of Europe, shall diminish yet further the consequence attached to the caprices and accidental fates of individuals, and shall reduce to complete order all the circumstances that affect the intercourse of nations; so as to subject their whole movements to certain general and invariable laws, to reduce every eccentricity of course, and to correct all accidental inequalities or alterations in the system.*

We have, in the foregoing statements, insisted the more at large on the possibility of reducing the external policy of nations to certain general principles; because, beside the direct negation of this proposition by Mr. Hume and others, it has been very much the custom of inferior politicians, and of the common run of mankind, more particularly in Great Britain, to decry such speculations as vain and delusive; to hold them up as objects fit only for the pedantic statist of Germany and Holland; and to describe them as points that should be settled by the finical personages, who are too often the representatives of the greatest nations, and who have brought a sort of ridicule upon the name of diplomacy. The gravest subject that can occupy the human mind (intimately connected indeed with our present inquiry, though not altogether of the same kind with it), the *Law of Nations*, has been exposed to a similar con-

* The foregoing general conclusions are sanctioned by the high authority of our countryman, Professor Stewart. Had he added the demonstration of a proposition, simply enunciated in his celebrated work on the *Philosophy of the Human Mind*, chap. iv., sect. 8, the above inquiry would have been rendered unnecessary.

tempt. Montesquieu himself, lawyer and historian as he was, has, with his usual passion for an epigram, greatly misrepresented a subject as important and refined as any in his own department of municipal jurisprudence. He seriously explains "the foundation of international law," by telling us, "that the whole system is a set of obvious corollaries to a maxim in ethics—that, in war, nations should do as little injury, and in peace as much good to each other, as is consistent with their individual safety." Without asking whether it is possible that the author of this *dictum* could ever have heard of the insults of flags, the precedence of states, the rights of neutrals, nay the whole admitted causes of justifiable war, and admitting that all the parts of the system may be strained, so as to come under the general proposition; the remark may be permitted, with great deference to so high a name, that such observations are extremely useless and unsatisfactory; that we learn from the position nothing which can give the slightest hint of the nature of public law; that it is as instructive as if one ignorant of mathematics were to say, "the whole of this troublesome science consists of obvious corollaries from a very easy axiom—whatever is, is." In this manner might all science be simplified; and learners, who knew what "*corollary*" was, might be charmed to hear that they had but one proposition to learn and remember, and that all the rest was "*corollary*" from it.

The remarks already stated may suffice to evince, how mistaken are all such views of foreign policy or international law; that those sciences will appear strictly reducible to certain general principles, and leading to important applications; that those subjects will be found highly refined and delicate, and as fully deserving of minute investigation as any within the range of the human intellect. As we proceed, further illustrations of these remarks will occur to confirm their truth.

1. *Treaties* or *public pactions* are the solemn and authentic expressions of certain agreements, which the

governments of friendly or neutral powers have entered into for their mutual advantage. In so far as refers to our present subject, they are chiefly of three kinds, *amicable, defensive, offensive, and defensive.* The first are simple cessations of hostilities; the next are agreements of mutual assistance in case of attack from a third power; and the last are more strict unions of interest, for the accomplishment of certain objects beneficial to both parties. The second are seldom pure and unmingled. Many treaties bear the name of defensive, which, by secret articles, or more commonly by mutual understanding, and not unfrequently by the express tenor of the stipulations, are strictly of the third kind; and, in general, a paction *bonâ fide* defensive has a tendency to bring about one of this more intimate and effectual description.

The monopolizing and jealous spirit of mercantile policy, in modern times, has added, to the kinds of treaties just mentioned, a fourth known by the name of *commercial;* of which the object is, to settle a certain rate of trade between the high contracting parties; or (what comes to the same thing) to grant each other certain privileges of buying and selling, refused to other states. These treaties are in every case absurd; they are meant to restrain that which ought in its nature to be free, and to be regulated only by the unrestricted operations of private traders: they relate to subjects in which no government ought ever to concern itself: they are only tolerable, when their object is the abolition of restrictions formerly imposed by foolish rulers, or gradually arising from the prejudices of the people.

All treaties have been exposed to the invectives and sarcasms of those who do not duly appreciate the nature of the institution. They are bits of parchment, and may be torn; they are made by men of peace in their closets, and may be violated by soldiers in the field; they are deeds by which states affect to bind themselves,

while no court of public law exists, in which the party failing may be compelled to perform his part; they are intended to check the ambition of princes or commonwealths, but they are to be observed by those who feel the checks, and may in a moment throw them off. "Give me," said Prince Eugene, in the true spirit of these reasons—"Give me," said the General, when he saw that his allies were slow to fulfil conventions made against their obvious interests, and refusing to gratify his ambition, against their own safety and beyond their means—"Give me a battalion of soldiers; they will do more than a thousand treaties." If all states were ruled by general officers, this sentiment would indeed be accurately true. In that case a corporal would be a much more important personage than a publicist or an ambassador; but he would also be more interesting than a municipal judge or jurisconsult; for all municipal law, as well as all public law, would yield to the truncheon and the bayonet. The same sentiment would hold good, also, if all such treaties as those entered into about the time of Eugene, and those to which he evidently alludes—treaties evidently disadvantageous to one of the contracting parties, and wholly beneficial to the others. But it happens that, in the present state of society, generals receive their commission to act, and their orders to desist, from men strongly interested in the preservation of pacific relations; in the maintenance of the national faith; in the existence of a public code, to which all parties may at all times appeal.

If, by such declamatory arguments, it is meant to demonstrate, that treaties will not of themselves be sufficient to maintain peace, or that alliances—to preserve the independence of states—will not suffice to insure success in war—we must admit the position; for no one certainly ever imagined that an ambassador's seal and subscription communicated to the skin of a dead sheep the faculty of tranquillizing or rousing the

public mind, levying armies, gaining battles, and taking towns. One should trust more to its powers in the hands of a drummer, than of a statesman, to produce those effects. But that such solemn conventions as lead to treaties, and such discussions as attend them in the nations contracting, such ratifications as finish them, such ideas of pledge and promise as they are uniformly supposed to convey—that all those circumstances have a most powerful influence, cannot be questioned by any one acquainted with the history of man, or the nature of the human mind. Independent of the spirit, indeed, with which those conventions were made, the mere paction is but a bit of parchment. Independent of the spirit which extorted Magna Charta and the Petition of Right, those records of the freedom and spirit of our ancestors, would be most unavailing to the liberties of the present generation. Both the one and the other are conventional signs—legal modes of expressing a bargain—certain solemn acts, the performance of which intimates to the world that certain intentions were perfected in the minds of the parties at the time—certain deeds, leaving a record which may refresh the memory of the parties, and to which the party fulfilling may appeal. Neither the Treaties of Westphalia (now, unhappily, a matter of history), nor Magna Charta, can be enforced directly by the mandate of any human Court, superior to both parties. If the circumstances which gave rise to them were materially altered, they would both become obsolete; as, indeed, the former have already become. While no material change takes place, they stand on record before the whole world, to animate the parties contracting—to check them in their conduct on their honour and good faith—to show the surrounding nations what compacts have been made—and to hold up to execration those that break them.

The foundation of the stability of every treaty is, the mutual advantage of the parties. It is a just

remark of the Florentine Secretary, that, even after the most unequal contest, no peace between nations can ever be solid, by which one gains much more than the other. If the one gains great real good, and the other only obtains safety from total ruin, the peace will be broken, either by the former, as soon as its power is recruited enough to complete the work of conquest, or by the latter, as soon as it has breathed a little, and can hope to regain the lost ground. All such foolish treaties are rather conventions of truce than of peace. They were one great means of conquest used by the Romans: they are rendered less frequent in modern times, by the principles of the balancing system.

The observation of Machiavel may be extended to alliances in general between nations. Their leagues, particularly those of a nature both offensive and defensive, have generally owed their instability to a necessary disunion of parties, arising from each possessing views radically incompatible with those of the others; views, properly speaking, secondary to the main object of the convention, but more interesting and more binding to the individual party, than any views of the common cause.

The remarks made above, apply to those subsidiary obligations entered into by nations not strictly concerned in the stipulations, in which the acceding powers guarantee the treaty, or bargain to support the party performing against all infractions by the other. These are generally modified by the disposition of all parties at the time of the requisition to fulfil being made to the parties guarantees. They are the refinement of the modern system of interference.

2. The circumstances in the relative situation of the European powers—their proximity, their constant intercourse, their rivalry, and the uniform desire that all princes have to extend their dominions, render it absolutely necessary that no one power should view with indifference the domestic affairs of the rest, more parti-

cularly those affairs which have a reference to the increase or consolidation of national resources.

For the purpose of acquiring such information, the institution of ambassadors has been adopted, or of *privileged spies*, as they have been called by witty men, with much the same propriety of speech as would mark the personage who should be pleased to call Generals master-butchers, or Judges hangmen. From the institution of ambassadors, an essential and peculiar part of the modern system, have resulted the important consequences—a constant intercourse between the two governments; frequent opportunities of detecting and preventing hostile measures or artifices; and still more frequent occasions of avoiding ruptures by timely complaint, and explanation or redress. The natural effects of the system to which this matter has been reduced, are certainly the prevention of wars, and the systematizing of the grand art of pacification.

The relative influence of the national changes that happen in one part of Europe, upon the proceedings of the other parts, might be illustrated by a variety of facts from modern history. That influence seems to be founded on natural circumstances, and wholly independent of all theory or system. Thus, to take an obvious instance—As soon as the grand improvement of standing armies had been introduced into Europe, it was extended, in France, by the ambition of the King to the keeping of large forces always in pay; and this example was followed by the neighbouring states, not as a useful invention of policy, for securing the prince's authority, but as a measure necessary for the safety of nations exposed to the new power with which this change armed the French King. A circumstance not so obvious, in the history of the formation of most of the European states, presents an illustration equally striking of the principle which we have stated. There can be no doubt that the consolidation of the smaller dynasties into which the different empires were once

divided, took place, in all, about the same period. The united empire of the Franks, under Charlemagne, was too formidable a neighbour to the heterogeneous masses of divided power which were then presented on all sides—by Britain, Spain, Italy, and the Northern kingdoms. Accordingly, we find, that in the space of little more than half a century, all the great unions took place, of which the present nations of Europe are composed. The empire of Charlemagne was completed at the end of the eighth century; the Saxon Heptarchy was united under Egbert, first King of England, in 827; the Picts and Scots, by Kenneth II., first King of Scotland, in 838; the Norwegian petty lordships into one kingdom by Harold Harfager, in 875; and the Crowns of Castile and Leon, under one King of Spain, nearly about the same period. The more contiguous of those states were consolidated at the very same time; the rest within a few years afterwards.

The right of national interference (a late refinement of this right of proportional improvement) has, like all other important principles, been called in question. It has been denied, that the total overthrow of all regular government in the greatest nation of Europe; the abolition of every salutary restraint upon the operations of the multitude; the erection of a standard to which everything rebellious and unprincipled might repair; the open avowal of anarchy, atheism, and oppression, as a public creed:—it has been denied that the existence of this grand nuisance gave the vicinage (to use Mr. Burke's apposite illustration) a right to interfere. Yet it is difficult to conceive (said he and his followers) what national changes, except the introduction of the pestilence, could give a better right to the neighbourhood to reject all intercourse with so infected a mass as France then was. And, if such defensive measures were absolutely necessary, it is evident, that the slightest aggression on the part of this neighbour justified that open war, which

was so plainly prescribed by the slightest chance of its leading to a restoration of order. The immense addition of power which the French government acquired by the Revolution; the general levy and arming that immediately took place—would have justified all neighbours in extending their own resources upon the common principles of the modern system. Now, if this increase of French power had taken place on the Spanish, instead of the Northern side of the Pyrenees; if it had been, not a sudden augmentation of internal resources, but an increase of territory and power by conquest—no one doubts the propriety of an immediate interference; nay, if this increase had only been in contemplation, no one would hesitate to consider the formation of the plan as sufficient cause for war:—So thought our forefathers, at least, when they attacked Louis XIV. a hundred years ago. But what difference (it was asked) is there, as to foreign states, whether such an augmentation of power takes place at the expense of the Spanish Bourbons, or at the cost of the other branch of that illustrious house? whether this sudden change in the aspect of one powerful rival neighbour is the consequence of her foreign conquests, or of her rapid internal changes? whether the addition is drawn from the pillaged provinces of Spain, or the overthrow of all the peaceful institutions, and the plunder of all the wealthy orders at home? When such a sudden and prodigious increase of resources takes place in one country, as can only be matched by a similar revolution developing equal powers in the neighbouring nations, those neighbours are exactly in this dilemma;—either they must wade through all manner of turbulence and danger, to the sudden possession of resources sufficient to balance this new power; or they must submit to this new power. Only one mode of escape (it was said) remains from alternatives equally cruel: they may unite against this common nuisance—they may interfere and abate it. If France had conquered the

kingdoms of Leon and Castile, who doubts that England and Austria might have attacked her, though neither of them were friends of Spain? But this was not absolutely necessary; for, first, they might have perhaps saved themselves by defensive alliance, and the peaceable improvement of their internal resources; or, secondly, they might certainly have acquired in Holland, or Denmark, or Spain itself, an extent of territory equal to that gained by France. But the former measure would have been dangerous; the latter both dangerous and unjust. In like manner, England and Austria might have met the crisis of their affairs, arising from the new and sudden acquisition of resources which France made at the revolution. First, they might have united defensively as ancient allies, and worked all the while to improve their internal resources; or, secondly, they might have revolutionized, and followed the French example. The first, however, of those plans would have been dangerous; the latter both dangerous and unprincipled. One alternative remained;—a union against the unheard-of nuisance.

It may thus be laid down as a principle, applicable to this extreme case, that, whenever a sudden and great change takes place in the internal structure of a state, dangerous in a high degree to all neighbours, they have a right to attempt, by hostile interference, the restoration of an order of things safe to themselves; or, at least, to counterbalance, by active aggression, the new force suddenly acquired. If a highwayman pulls out a pistol from his bosom, shall we wait till he loads and presents it, before we disarm him? shall we not attack him with like arms, if he displays such weapons, whether he takes them from his own stores, or seizes them from some other person in our sight?* We do not attack a neighbouring nation for plundering or

* The doctrine of the balance of power is deduced, by Vattel, from similar grounds. *Vide Droit des Gens*, liv. iii., chap. 8, sec. 44, *et seqq.*

conquering a third power, because we wish to avenge or redress the injury; but because we shall be ourselves affected by its consequences. Shall we be less injured by the same consequences, because the dangerous power of doing us mischief is developed from its recesses within, and not forcibly snatched from without?

That such a principle as we have now been considering, is liable to limitations, and requires the statement of them, cannot be denied; the principle is indeed only applicable to extreme cases. No one would think of asserting the right of interference in the case of gradual improvement, however great in any nation; nor in the case of that more sudden amelioration which national resources may receive from the operation of a salutary reform—or a useful law—or a beneficial change of rulers. The right can only be deemed competent in cases of sudden and great aggrandizement, such as that of France in 1790; endangering the safety of the neighbouring powers, so plainly as to make the consideration immaterial of the circumstances from whence the danger has originated. The essential, though not always avowed principles of modern policy, would authorize even a wider interpretation of the proposition. Many of the alliances of states, formed with a view to check the growing power of a common rival, and always ending in offensive measures, have been formed without any pretext of violence having actually been committed by the dreaded power, or being apprehended from that quarter; and without any consideration whatever of the source from whence this dangerous strength has been derived, whether from external acquisitions (the most common case) or from the sudden development of internal resources, or from the gradual increase of national strength, while neighbouring states were more slowly increasing, or were losing force. This increase it is—this comparative strength, which excites the salutary jealousy of modern councils towards

neighbouring powers. The pretexts, indeed, for war have been various; but the cause of such wars has generally been the same: the pretext has been adopted in conformity to ancient usage or prejudices, or to humour the feelings of the multitude, and cause them to take part, by working on their passions much more powerfully than if the real cause were stated. The great maxim has generally been, "*Obsta principiis*" —"*Venienti occurrite morbo.*" This maxim should influence the greater powers of Europe, the natural guardians of the great commonwealth; above all, the neighbours of Russia and France.

3. It has been urged as a glaring inconsistency in a system which has for its professed object the preservation of peace, that, according to its principles and technical language, certain nations are denominated *natural enemies* and others *natural allies.* A little attention to the meaning of this classification, will at once demonstrate the futility of the allegation, and lead us to one of the most general and fundamental doctrines of modern international policy. It is not meant by this phraseology to assert, that some nations ought always to view each other with suspicion and enmity. The intention of such a form of expression is merely to state a very general, and, unfortunately, an unquestionable fact in the history of the human species—that nations placed in certain circumstances are found to entertain towards each other sentiments of rivalry and animosity. The balancing system prescribes the means of disarming this bad principle in our nature of its destructive tendency, by teaching us to consider other nations as our natural friends, and by making the members of each class unite, so as to act systematically, with a view to the preservation of national peace.

The circumstances which are found to constitute natural enmity between nations are threefold: *proximity* of situation, *similarity* of pursuits, and near *equality* of power. From the opposite causes arise the natural

indifference or relative neutrality of states; a reasonable *distance, diversity* of objects, and considerable *inequality* of resources; while natural alliance results from the common enmity produced by a concurrence of the three causes first mentioned, in the relations of two or more powers towards the same third power.

But it may often happen that a state is involved in hostile relations with another of which it is not the natural enemy, either from being the accidental ally of a third power, primarily the enemy of this second; or from being natural ally to this third power, in consequence of their common relations of enmity towards some fourth or fifth power. Hence indeed arises the intricacy, if it has any, of the balancing system; and hence the multiplied relations of every one power with all the rest, so as to permit no one to remain at any time an indifferent spectator of what is passing in the most remote parts of the European commonwealth. A few examples will illustrate the foregoing proposition. These illustrations contain the theory of what is called in practice the European balance.

In conformity to that proposition, France is said to be the natural enemy of Great Britain. These states, separated by a narrow channel, are of sufficient relative strength to be mutually formidable; the one, by the extent and compactness of her territory, and by her large, ingenious, and industrious population; the other, by her immense wealth, the defence afforded by her insular situation, and the myriads of her fleets which cover the ocean. They are both engaged in similar pursuits; because the circumstances of their situation are similar. The island, however, is more adapted to commercial occupations, by the genius of her inhabitants, the nature of her produce, and the extent of her sea-coast; from whence has resulted a habit of application to manufactures, navigation, and trade, and, in consequence, superior skill in the arts, and greater extent of trading capital. The other country, eminent also in those

points of view, is, however, so far inferior to the island, that her attention has, for above a century, been constantly directed to emulate so valuable a superiority; while Britain finding herself deficient in direct power to sway the continental states of Europe, otherwise than by intrigue and gold, has returned France the compliment of attempting to beat, on her own element, the natural mistress of the European continent. From this reciprocal inferiority, and consequent emulation, has arisen that spirit of rivalry, which will, it is to be feared, permanently alienate from each other, the two nations most formed to love and esteem each other; best adapted to entertain close and profitable relations of commerce; and fitted, by their union, to secure the lasting peace, and sway uncontrolled the sceptre of the civilized world. Unhappily, most unhappily, the natural passions of the people, and the ambition of their rulers, have taught both to "bear no brother near the throne;" to suffer no equal in trade, in arts, or in learning; and to divide by their irreconcilable enmity, the other powers in the system, of which that enmity has become the corner-stone.

Holland, from her proximity to England, her extensive commerce, and her splendid resources of national wealth, would, according to this language, have been our natural enemy, had France been out of the question. But as Holland lay still nearer to that ambitious power, with whose pursuits she interfered at least as much, beside the jealousy of her democratic government and Calvinistic religion, it became her interest to league with the enemies of her formidable neighbour. Accordingly, in all the wars of the two last centuries, Holland has been found on the side of England, with only two exceptions:—the impolitic contest of Charles II. when he was in the pay of France, and the jealous enmity of Holland at the end of the American war, as anomalous in Dutch politics, as the war of Charles had been in

the history of Great Britain. After the peace of 1782, the breach was kept open, chiefly by the successes of the Republican party, until the year 1787; when, by one of the most skilful and successful interferences in continental affairs, which the balancing system has ever accomplished, the Stadtholder's power was restored, French influence destroyed, and the Dutch replaced in their natural alliance with England.

The present alliance of the French and Batavian Republics is obviously no anomalous case: it is in every respect a subjection maintained, as it was effected, by the force of arms, and the influence of factious intrigue. The day is perhaps not distant, when even the slight appearances of national independence will be thrown off, and the absorption of the United Provinces into the modern empire of the Franks, be (shall we say?) the last great sacrifice to the sweeping principle of "*arrondissement*," one of the most signal inventions of the eighteenth century.

Next to France, the greatest power on the continent of Europe resides in the House of Austria, from the union of its hereditary dominions in Hungary, Bohemia, Austria, the frontier provinces, and the late acquisitions in Poland and the Venetian territories, with the Imperial crown, which confers an authority, chiefly of indirect influence, over the princes of the empire. Her losses of hereditary dominions in the late war, have, on the whole, been trifling; but she has lost much in the power of swaying the affairs of Italy, much of her influence in Germanic affairs, and still more of relative force, by the astonishing increase of France, and the augmentation also of Prussia (her natural rival in Germany), to one or other of whom, or their dependents, has accrued whatever Austria lost. After all, the Austrian power is great and formidable. It would be the greatest and most formidable in Europe, were its extensive territories somewhat more compact, so as to derive full advantage from their central position; were

it to acquire a small addition of sea-coast in the Adriatic, so as to have easier vent in the foreign markets for its numerous and costly products; were its vast resources called forth and wielded by a better-formed government, or a wiser race of statesmen, so as to take every advantage of the finest climates, richest mountains, most fertile valleys, and greatest variety of hardy subjects; more especially, were its armies, the first in the world, organized upon a better plan, so as to place at their head younger leaders: Were these advantages (the most of which may be acquired) added to her immense natural resources, Austria might be deemed the first power in Europe, and dreaded by all her neighbours as resistless in the scale.

The circumstances which render Austria the natural enemy and counterpoise of France, render her also the natural ally of England,—the great continental support of British influence. In proportion to the enmity between those leading powers, this natural union between England and Austria has always been more or less close, since the separation of the Spanish from the Austrian branch of the house. It has experienced only one remarkable intermission, and that a slight one, during the peace-loving administrations of Fleury and Walpole. In the war which succeeded the fall of Walpole's ministry, France siding with the Bavarian Emperor, England naturally took the part of the Empress-Queen, at that time almost crushed by the union of her enemies. The singular alliance of 1756, the *chef-d'œuvre* of Kaunitz, and, according to the French politicians, the greatest error France ever committed, deranged, for a while, the natural relations of the continental powers. England was not thrown out of amity with Austria; but Austria, ceasing to be the enemy of France, ceased also to be the ally of England. Yet still it is worthy of remark, that the assistance given by us to Prussia, during the Seven-years' war, in consequence of France siding against

Frederic II.,* was pointed, not against Austria or Russia, his two most formidable enemies, by checking whom we could at once have saved him; but against our own natural enemy alone, to our desire of opposing whom, Prussia owed the aid she received from us.

A treatise on the *Foreign Relations of France*, by the Sieur Favier, a confidential servant of Louis XV. and Louis XVI., was evidently drawn up with a view to decry the policy of 1756, which dictated the Austrian alliance, and to show the necessity under which France laboured of increasing her military as well as federal power (*sa puissance tant militaire que fédérative*), in order to regain the rank of a primary power, said to have been lost through the consequences of the Austrian alliance and the Seven-years' war. This treatise (with a few others, chiefly short excerpts from the memorials of Vergennes, Broglio, Turgot, and other French ministers) was first published in 1793, by authority of the National Convention; and, after attracting so great attention over all Europe, as to be deemed the best popular manual of young diplomatists and politicians, it has since been republished with a few additions, and with large notes, of considerable value, by the editor, M. Ségur, formerly an eminent diplomatic character in the service of the Frenoh Court. The theory of M. Ségur is precisely the reverse of Favier's. He approves of the Austrian alliance, and condemns only the misconduct that marked the management of both the civil and military administration of France, after the treaty of Vienna had sealed and perfected the new federal system.

Favier, adopting the opinion since universally received, attributes to the treaty 1756, and the consequent military operations of France during the Seven-

* Vide *Hist. de la Guerre de Sept-ans*, vol. i., cap. 1, where that prince himself details the reasons that induced him to undertake the war. One was, the certainty of both England and France *not* taking the same side; whence he could count on the assistance of one of those powers.

years' war, not only the immediate loss of men and money at that crisis, all for the benefit of Austria, without any good to the concerns of France, but also the subsequent aggrandizement of the Austrian House, already too powerful by the exhaustion of Prussia, and the valuable acquisition of Poland, the natural ally of France, and scene of French influence, whose destruction he hesitates not to impute to the Austrian system. Ségur, on the other hand, without denying the losses experienced by France during the war, and the still greater evils arising to her from the Polish catastrophe, ascribes those consequences to the maladministration of French affairs in the Seven-years' war, and in the whole interval between the peace of Hubertsburg and the Revolution. He maintains, that the wisest policy which France could possibly have adopted, was the securing of a long peace by an alliance with her natural enemy. He argues this point upon much the same grounds as those chosen by the defenders of Walpole and Fleury; and he contends, that no danger whatever could have arisen to France from the alliance of 1756, if the administration of her domestic affairs had been as wise and energetic as the management of her foreign relations at that period. As Favier perpetually recurs to the same text, endeavouring, like all theorists, to reduce everything under one head, and twisting all facts to humour his main position; so, the new editor follows him through his whole course, and under the head of each power whose relations to France are discussed by Favier in the text, we meet with a separate argument in Ségur's notes, tending either to modify or overthrow the favourite conclusions of the former politician.*

It appears, upon the whole, that the doctrine of Favier, with a few limitations, is by far the soundest. All the benefits of repose would have been gained by

* The title of the work, as published by the Convention, is *Politique de Tous Les Cabinets de L'Europe.*

France, although she had never entered into the defensive treaty of 1755, or the subsequent conventions of 1756 and 1757. The chance of France being attacked was chimerical. By whom, but Austria or England, could she possibly be annoyed? If by the former, of course the defensive treaty was absurd: if by the latter, clearly, Austria could never assist her; since the British forces would only attack by sea, or by a littoral warfare, or in the American and East-Indian settlements. But Austria was liable to attack from that power which had despoiled her of her finest provinces a few years before. Besides, the object of the treaty turned out to be (according to the remarks on conventions already made) not defensive, but offensive. France was, in fact, to assist Austria with 24,000 men to recover Silesia and humble the House of Brandenburg, or dismember its dominions. After the war broke out, the stipulation was forgotten; that is, the terms were changed, as is very commonly the case; and, instead of 24,000, France sent 100,000 men, to be defeated by the British and Prussian armies. How could she possibly gain by such an object, though completely successful in attaining it? She was fighting for Austria, conquering for her profit, and, if defeated, sharing her losses. The general spirit of Ségur's reasonings is also open to objection. He always denies the possibility of drawing certain conclusions upon such matters; and, in the true spirit of an old diplomatist and courtier, he advises us to look more to the peculiarities of human character, and personal or accidental considerations, than to the *criteria* more philosophically appealed to by Favier. It should, however, be remarked, that Ségur is by no means so ignorant of political philosophy, as we might expect from this specimen, and from the nature of his former pursuits. We find him decidedly rejecting, as absurd, the narrow notions of mercantile policy, which dictate commercial treaties, although he was himself successful in the

negotiation of a very celebrated one, the foundation of his fame in the diplomatic world.

The vicinity of Spain to France, their distance from the rest of Europe, and the compactness of their territories, which renders them, as it were, parts of one great peninsula, might have rendered them natural enemies, had not Holland and England been situated in much the same predicament, with respect to France on the north. Besides, the insulated position of Spain, joined to her great inferiority of strength, from political and moral causes, makes her naturally dependent on her powerful neighbour. But, above all, the separation of the Spanish from the Imperial crown and the Austrian dominions, and the consequent disputes between the Courts of Vienna and Madrid, about the dominion of Italy, have thrown Spain into the arms of the natural enemy of the House of Austria. Among these causes, is not to be enumerated the family compact which so closely united the two branches of the House of Bourbon, or the blood relationship which was the cause of that convention. Those circumstances may have drawn closer the natural ties of alliance between France and Spain; but still they are to be viewed as accidental and subordinate. If it was the evident interest of Spain to depend on France, and of France to rule over Spain, the death or marriage of one of the reigning branches could never for a moment have prevented the union of the nations. The last will of Charles II. indeed, set all Europe in arms to fight down this formidable union. But does any one imagine, that had Alberoni succeeded in purloining this document, the other powers would have shut their eyes on the strides which Louis was making to obtain dominion over Europe, by playing off Spain against Austria? Or, had the combined enemies of that ambitious prince been prudent enough to accept of the terms extorted by his humiliation, and terminated the Grand Alliance-war at Gertruydenberg, can any one suppose, that the

union of the two natural allies, thus apparently broken (for Louis's offers went to this length), would have subsisted less close and compact at the next crisis of European affairs?

To the attention of such as believe that all great events depend more on chance than principle, and despise all general reasonings on the train of human affairs, two obvious considerations may be offered: Did the alliance of 1756 maintain indissoluble the unnatural union of the two powers? Or, has the dissolution, with every cruel aggravation, of the marriage which had been intended to cement that temporary union, prevented peace and seeming amity from subsisting between the murderers and the nearest blood relations of the ill-fated Antoinette? Has not one of the various means tried by Spain to regain that power over her feeble neighbour, which the Bragança revolution (1640) overthrew, consisted in always endeavouring to have a Spanish princess on the Portuguese throne? And yet, has that prevented her from seconding her policy by open force, and attacking the throne which she had immediately before filled with her royal offspring? Or, to come still nearer the present discussion, was not the family compact dissolved in 1793, under circumstances of complicated insult and violence to every branch of the House of Bourbon, as well as of imminent danger to the most despotic and bigoted government in the West of Europe? And have the ancient politics of the Spanish cabinet varied one jot, in consequence of all those personal considerations and extraordinary occurrences? Certainly not. After a few months of languid co-operation with the combined powers (from the expectation of crushing the infant Republic), as soon as Spain saw that the new state could stand alone against foreign attacks, and had some chance of surviving the revolutionary storms, she instantly returned to her natural policy, and resumed her alliance with France; that is to say, she resigned all her family regards, the

consequences of which had once alarmed all Europe; sacrificed much of her trade; exposed her sea-coast to the troops and fleets of England; risked and lost her fleets by fighting the battles of France; and put the very existence of her weak-handed government to the severest trial, by a free intercourse with republicans and regicides—by acknowledging and receiving into her capital a Jacobin emissary with his associates. In a word, the Spanish branch of the Bourbon line is as closely united to, or rather as submissively dependent on the usurper of that throne, which the sister branch once filled, as ever it was during the proudest days of the French monarchy. In return for his homage, the haughty Sovereign of the two Indies is pleased to receive for his son, from the Corsican chief, a crown patched up of the Italian spoils, taken from the natural enemy of Spain. The service performed, and the boon granted, are equally illustrative of the general principles.

It appears, then, that, by the modern system of foreign policy, the fate of nations has been rendered more certain; and the influence of chance, of the fortune of war, of the caprices of individuals upon the general affairs of men, has been exceedingly diminished. Nations are no longer of transient or durable existence in proportion to their internal resources, but in proportion to the place which they occupy in a vast and regular system; where the most powerful states are, for their own sakes, constantly watching over the safety of the most insignificant. A flourishing commonwealth is not liable to lose its independence or its prosperity by the fate of one battle. Many battles must be lost; many changes must concur: the whole system must be deranged, before such a catastrophe can happen. The appearance of an Epaminondas can no longer raise a petty state to power and influence over its neighbour, suddenly to be lost, with the great man's life, by some defeat at Mantineia, as it had been

gained by some unforeseen victory at Leuctra. In the progress of freedom, knowledge, and national intercourse, this great change has been happily effected by slow degrees: it is a change which immediately realizes the advantages that every former change has gained to mankind; a step in our progress, which secures the advancement made during all our previous career; and contributes, perhaps more than any other revolution that has happened in common affairs, to the improvement of the species.

Let statesmen, then, reflect on these things; and, in the present awful crisis, let them often ponder upon the principles which should direct their public conduct. Without neglecting the increase of their internal resources, by wise regulations, and gradual improvements of the civil and military constitution of the countries entrusted to their care, let them constantly look also *from* home; and remember, that each state forms a part of the general system, liable to be affected by every derangement which it may experience; and, of necessity, obliged to trust for its safety to a concurrence of other causes beside those which domestic policy can control. "*Non arma neque thesauri regni præsidia sunt, verum amici: quos neque armis cogere, neque auro parare queas; officio et fide pariuntur.*"—Sal Jugurth.*

* The Date of this Dissertation is January, 1803.

HISTORICAL VIEW OF THE DOCTRINES OF FOREIGN POLICY.

[The two Dissertations which follow form the Thirteenth Chapter of the Fourth part of the Political Philosophy, which has not yet been published. That work, in its Three parts, is confined to the subject of the Structure of Government, the Functions being reserved for the concluding portion. The former parts give both the general principles of government, and the different constitutions which have existed in ancient and modern times. The unpublished part treats of the duties of government under their various branches, of Judicature, Defence, Public Works, &c., and as representing the community in its Domestic and in its Foreign concerns. The Thirteenth Chapter treats of this last subject. The remaining chapters treat of the way and degree in which the government can safely interfere with the occupations and pursuits of the community, and comprise Political Economy and Political Arithmetic.]

The science of Political Economy was little cultivated in the ancient commonwealths, and in the Monarchies which rose upon the ruins of some of those famous states. The science of Government was much more studied; and the writings of the Greek and Roman Philosophers have left us valuable discussions, both on the structure and the administrative functions of Government. But it is chiefly upon the internal policy of States that their works treat, and though in the imperishable remains of their Eloquence, we find just and even refined views of external policy, of the duties of rulers as representing the community to foreign nations, we do not meet with anything that can be called scientific treatises on this important and difficult

subject. Indeed it would not be easy to point out any work, even in modern times, devoted to the systematic consideration of it. There is, however, a very wide difference between the policy of ancient and of modern states in this respect. The systematic intercourse between different communities, the regular habits of mutual demeanour, the constant maintenance of mutual relations, and the acknowledgment of international rights, as well as the care of international interests, may be truly regarded as altogether of modern growth. The refinement which considers nations as forming a great community living under one general law, cannot be said to have been clearly understood of old, nor can we consider as at all clearly established of old, the other cognate refinement of nations shaping their policy, at all times, with a view to prevent such distant dangers to the independence of all as might arise from any one being suffered to injure his neighbour, and to become strong at his expense. And yet it is certain that although generally speaking, such principles were not acted upon, nor even recognized in theory, there was, in one instance, a still greater refinement of the same kind adopted and indeed reduced to practice; for certain of the Greek States, regarding themselves as a community of nations, actually established a representative council, whose decisions upon their mutual disputes were held to be binding upon each individual power.

I allude, of course, to the Amphyictonic Council, which, as we have seen in the first part of this work (chap. 14), arose out of the Federal Union of the Greek States, one of the least refined of all political devices, because it arises from men being incapable of establishing a Government sufficient to manage a large territory and numerous people,* but leading in the

* In addition to the proofs of this position given in part 1, chap. 14, may be mentioned the fact of federacies having existed among the North American Indians when in the hunting state. Charlevoix's *Voyage*. Jefferson's *Notes on Virginia*.

case of those Greek Communities, to a very great refinement, and one which has had no imitator, unless perhaps the constitution of the Germanic Empire, may be deemed to afford a very imperfect approximation to its principles; for it much rather resembled the different leagues than the Amphyctionic Confederacy. The origin of this ancient institution is lost in the most remote antiquity, and the accounts which have reached us differ widely both as to the foundation of it, and its functions. Dionysius of Halicarnassus (*Ant. Rom.*, IV.) ascribes it to a King of the name (Amphyction), supposed to be the son of Deucalion, and to have flourished above fifteen centuries before our era. Others, with whom the learned Frerèt agrees, represent it as only dating from about eighty years after the taking of Troy, or 1100 before Christ. The existence of such a person as Amphyction is more than dubious; and there seems little doubt that the league originated in the religious ceremonies of the temple at Delphi, in which all the Greek nations, especially those of Thessally and the north, took a part. They appear to have formed a scheme for superintending those rites in common, and securing to each access to them, notwithstanding any war that might place the states in conflict with each other. All authorities, ancient and modern, are agreed in ascribing this function to the Amphyctions, as their principal duty and privilege.

It seems, however, that out of this league and the periodical assemblies to which it gave rise, for transacting its affairs, arose a more extensive superintendence than was necessary in order to preserve the religious privileges of the different states. It is certain that there were held Councils at Delphi and at Pyla or Anthela, a small town near that famous pass, one in spring, the other in autumn, and that these Councils were composed of delegates or representatives sent by each of the twelve Amphyctionic States. They voted equally, each State having two votes, and though at

first religious matters alone formed the subject of discussion—as the levying of supplies for the repairs and service of the Temple, the punishment of all outrages on its worship, the obstructions offered to worshippers, the claims of new communities to assist—yet a kind of discipline having once been instituted, and the different States having become habituated to act in concert by their deputies, upon the one and most interesting subject, religious rites, it was natural that this concert should extend itself to other subjects. For it was unquestionably a part of the plan as regarded the undoubted functions of the council, that if any member of the League, any particular State, proved refractory—as by interrupting the religious rights of others, or by offering obstruction to the worship, or doing violence to the Temple—the other States were bound on the requisition of the Council to arm and march against the offending party. Many decrees were made touching the religious observances, and sentences were pronounced on delinquent States, fining them and suspending their Amphyctionic privileges.

Hence a very considerable refinement had at any rate been introduced, even while the proceedings were confined to religious matters. A tribunal had been established and had time out of mind exercised its jurisdiction, over not individuals but communities. As the main object of this jurisdiction was to prevent the quarrels of the different powers from interfering with their religious privileges, a principle was established of disregarding those quarrels at least in respect of one object—religion—and treating all the powers of the league as if they were at peace in so far as religious interests were concerned. It seemed a natural and easy transition from this, to adopt a similar principle for securing the general peace of the Amphyctionic community without regard to mere religious questions, and for maintaining the independence of each State upon the rest. It was only to lay down the rule that

whichever of the States attacked any other with a view to conquering it, the rest of the States should turn their arms against that aggressor, and protect the party attacked. There seems abundant reason to believe that this came in time to be the principle of the League, although in the beginning, its attention was confined to religion. And then it followed, that as the Council exercised a power of preventing attacks and conquest by thus making the other States take part with the injured or threatened party, measures of precaution should be discussed at the periodical meetings with a view of securing the whole body against more remote dangers, and keeping a watch over any ambitious schemes which might be hatched, as by secret alliances offensive among any members of the League, and still more, alliances with foreign powers not Amphyctionic, whence danger to the Amphyctions might be apprehended. It seems quite impossible that a body like the Amphyctionic Council should meet regularly to discuss one great subject of common interest and not debate on every other subject, especially on subjects of a kindred nature. And the manifest duty of endeavouring to preserve peace and protect the weak against the strong, made such an extension of their jurisdiction the more natural and easy.

We must at the same time admit freely the extreme difficulty of maintaining such a jurisdiction, the great likelihood of the powerful states disregarding it, and the many chances of its remedial virtue being found weakest in the very conjunctures which made its interposition the most desirable.

Our information respecting the Amphyctionic constitution and proceedings is exceedingly imperfect. We know that the States of the League were originally twelve in number, each sending deputies, sometimes more sometimes less numerous, but who all together had but two votes. Originally the Dorians had two votes as one nation or state; but when Sparta was

established she took one vote, leaving the other to the rest of the Dorian States. The like happened with Athens and the Ionians. The names of the whole have been given by Æschines (*De Falsa Leg.*), who though he tells us there were twelve Amphyctionic States, mentions only eleven by name—Thessalians, Bœotians, Dorians, Ionians, Phithiots, Pirrhætians, Locrians, Magnesians, Malians, Phocians, Æteans. It is supposed that he has omitted the Dolopeans.*

It must be further observed that some learned men, and of great authority, have altogether denied the general jurisdiction of the Amphyctions. Of these M. Ste. Croix is the most remarkable, and his work is the most learned by far that has been written on the subject.† But the great bulk of authority both ancient and modern is the other way. The Halicarnassian, Strabo (IX.), Cicero (*Inv. Rhet.*, 11, 23), Quintilian (V., 70), cannot be reconciled with the hypothesis of M. Ste. Croix, which confines their functions to the Delphic Temple alone. Cicero (unless the passage which appears in all the *Codices* be rejected as spurious), says of the Amphyctions, "commune Græciæ consilium," and describes a charge of a merely secular nature as brought against the Thebans before the Council. Quintilian gives a case of one Amphyctionic State proceeding against another before the Council for recovery of a debt. It is mentioned on the other hand that Thucydides has never once mentioned the Amphyctions, and that though the Peloponnesian wars between the Dorian and Ionic States raged for twenty-eight years the Council never interposed in any way. This, however, is by no means conclusive against the commonly received opinion; for nothing can be more likely than that in such a bitter contest, the authority of the Council should prove

* Demosthenes (*De Pace*) excludes the Thessalians whom Æschines had named.

† *Anciens Gouvernments Federatifs et legislatione de la Crete*, 1799.

insufficient to stop hostilities. That in a later period, they had lost all power, except on religious matters, seems quite certain: yet even the language used by the Greek Orators in speaking of their impotency, seems to admit that they had once been more powerful. Thus when Demosthenes upbraids those who would go to war because Philip had been summoned as an Amphyctionic Power by the Council, after having passed over things of far greater moment, he speaks of the authority as a shadow; but this rather implies its having once been more substantial.*

Whatever opinion we may form of the regular functions of this celebrated body, two positions may be maintained with great safety; *first*, that they, at least in earlier times and on some occasions, exercised a general controlling power for the purpose of preserving the peace and preventing aggressions by one state upon another; and *secondly*, that this interference, even if only occasional and very far from being made as often as circumstances required, yet had the effect of giving to the statesmen of Greece views of international policy exceedingly favourable to the preservation of national independence, to the promotion of public justice, and generally to the establishment of a kind of common law of nations.

Similar to this in their tendency and effects were the systems of Federal Union which united together so many of the Greek states. Of these Leagues, both in Europe and in the Colonies of Asia Minor, there are known to have been as many as nine or ten, beside others of less importance. There can be no doubt that the affairs of each were discussed and settled at meetings regularly held; and from this intercourse and union of separate communities, independent for certain purposes, but in certain other respects submitting to the general voice, the step was both small and easy,

* Περὶ ἁπάντας νυνὶ πολιμησει περὶ της εν τοις Δελφοις σκιας.—(*De Pace.*)

to considering all Greek states, whether united in Federacies or not, and all Greek Federacies themselves, as forming a great community of nations, whose interests required that no one should be suffered to usurp upon another, and no one allowed to become too powerful for the security of the rest.

Such principles appear plainly to run through many of the great orations of the Greek statesmen. In some of them they form the basis of the whole argument, and are distinctly, almost formally, enunciated. The oration of Demosthenes for the Megalopolitans affords the most remarkable instance of this. The Bœotian League under Thebes had seized Oropus, a frontier town which belonged to Athens; and she had been engaged in an alliance offensive and defensive with Sparta against Thebes, which had protected the Arcadian settlers in building Megalopolis as an advanced post of defence against Sparta. Archidamus, the Spartan king, conceived a plan of finally overthrowing the Bœotian power, to restrain which had been the object of the league with Athens. He proposed to destroy Megalopolis and to give back Oropus to Athens. He undertook also to destroy Messene, another bulwark of Bœotia, and to rebuild Plataea and Thespia, making them independent of Thebes. Thus his operations both offered a direct advantage to Athens, and promised the complete reduction of the Bœotian power. Yet Demosthenes strongly urges that Athens should not only refuse her consent to this plan, but should at once quit the Spartan alliance, send succours to the Megalopolitans, and aid them in repelling the invasion of Archidamus, who had actually marched an army at the same time that he made his insidious proposal. The great orator's argument is, that though it was sound policy to side with Sparta against Thebes during the last war in order to curb the Bœotian power, the same policy prescribed a refusal to let Bœotia be too much reduced by Sparta and so remove all barriers

to Spartan ambition; and he contends that the Spartan alliance, the late contest with Thebes, and the hostile proceedings of the Megalopolitans themselves who had adhered to Thebes against Athens, afforded no reason why they should not now be assisted against Sparta, when their destruction would weaken Thebes too much, and too much strengthen Sparta.*

But the like principles were recognized by other states as well as Athens, and were indeed acted upon more steadily against her than by herself. The Peloponnesian war had its origin in the apprehensions which the other states of Greece, and especially the Corinthians and Lacedemonians, entertained of the Athenian power becoming dangerous to their liberties if unassailed. For half a century, ever since the defeat of Xerxes, Athens had been increasing in strength, while Sparta, partly from intestine dissensions, and partly from its habitual slowness to engage in war, had taken no steps to restrict this growing power. At last the Lacedemonian rulers became alive to their danger and yielded to the representation of the Corinthians and

* The whole oration, one of extraordinary subtlety and address in handling delicate topics, might be cited in illustration of the text. A single passage may, however, suffice. "No one can gainsay my position that it is the interest of this state that neither the Spartans nor the Thebans should become too strong,—yet to hear the things oftentimes ventilated here, the reduction of Orchomenus, Thespia, and Plataea would weaken Thebes, while Sparta would recover her strength if she could subjugate Arcadia and seize upon Megalopolis. We must therefore see that we don't suffer the one power to become great and formidable before the other shall be reduced in strength; that the Spartans do not gradually become more powerful than it is for our interest that the Thebans should be weakened; for we never can say that we should prefer having the Spartans as adversaries rather than the Thebans. We can have no such object in view as that, but our design must be to take care that neither the one nor the other can injure us. Thus only can we be in perfect security." —(*Pro. Megalop.*, c.) This is precisely the language of modern policy; and the great statesman and greatest of orators proceeds to invoke the popular and plausible topics of it by counselling his countrymen now to attack those who had so lately been their allies and fought with them at Mantinea against those very Thebans, and defend those who had then taken part with those same Thebans.

other less powerful states which had taken the alarm. The supposed breach of treaty on the part of Athens by aiding the Corcyræans and Corinth in the quarrel which had broken out about Epidamnus, was the occasion of the general war which thus began between the Dorian States and Athens, and which lasted twenty-eight years. But we are expressly told by Thucydides that the real cause of it was the necessity which was felt of reducing the Athenian power;* and the arguments which he puts into the mouth of the Corinthian ambassadors to persuade the Spartans, consist entirely of an appeal to this consideration. For the bulk of them is that most admirable description of the superiority of Athens over Sparta in various qualities and resources, a comparison which must have rather tended to disincline the latter towards hostilities, but for the reflection that the Athenian power unless resisted would become irresistible.†

It is further to be noted that the same policy extended to other nations as well as the Greeks. Thus Hiero of Syracuse gave assistance to Carthage though he was in alliance with Rome, and remarkable for the fidelity with which he maintained that alliance. But he was a prince of distinguished talents, and in all his policy showed himself to be one of the greatest men of ancient times. When, therefore, he saw the Carthagenians pressed in their dangerous contest with the disbanded mercenaries who had served them during the first Punic war, he plainly saw that it was necessary for the security of his own dominions and conducive to the Romans continuing him their support, not to suffer the destruction of the Carthagenian power. Polybius‡ justly commends the wisdom of his conduct, and assigns the true reason of it, namely, a sound view of

* See particularly lib. i., cap. 88 and 118.

† Ib., chap. 70; see too the speech which he makes one of the Ephori deliver, concluding with "decree war as becomes Sparta," Και μητε τοις Αθηναιους εατε μειζους γιγνεσθαι, μητε τους ξυμαχους παταπροδιδωμεν.—(Ib., 86.)

‡ Lib. 1, cap. 83.

the dangers which must result to the Syracusans from either Rome or Carthage being left without a rival, and able to accomplish all its schemes. "Such power," he says, "ought never to be thrown into the hands of one state as may prevent others from being able to defend themselves against it."

Nothing, it may indeed be observed, appears more obvious than the policy of which we have been considering the examples. It must present itself to the mind of every ruler and of every political observer as the most manifest provision for self-defence; and may be regarded rather as an instinctive impression than as any refinement of policy, or even any inference of reasoning. The only difficulty is to act systematically upon the obvious principle, and never to suffer ourselves to be drawn aside by any promptings of ambition or any feelings of national animosity. It is not the perception of the public interests that is difficult, but only the acting steadily upon that perception, and above all, regarding the true and general and permanent interest on a large scale, without suffering ourselves to be misled by some present or temporary advantage dearly bought by subsequent danger, and even ruin. It is not that the duty of the statesman is in itself at all hard to be performed, but only the acting up to that manifest duty in defiance of all popular and ignorant clamour, and in contempt of all temptation to gain a bad renown by pursuing a false policy.

The only superiority of modern to ancient times in this particular is, that statesmen have more generally taken the right view, and pursued the line of their undeniable duty. But in another respect, we have from the more systematic regard to Foreign Policy and desire to prevent wars, made a very great step in advance of the ancient Statesmen. I allude to the establishment of systematic intercourse between different nations. In ancient times this intercourse was only occasional; it was never regularly maintained. There

were no resident Ambassadors or Consuls; Ambassadors were sent only on special missions, as to conclude a treaty, or to complain of an injury, to demand redress, or to avert an attack, or to obtain assistance. Alliances were perfectly well understood, and such Leagues sometimes for offensive purposes (called by the Greeks leagues of συμμαχια) sometimes only for mutual defence, were deemed of great importance, and admitted to impose positive duties, conferring strict rights. But the system of resident Ministers to transact the mutual business and maintain the interests of different States, to obtain constant intelligence of their various movements and dangers, and to prevent by timely remonstrance or explanation the infraction of pacific relations, is entirely of modern origin, and is both a great refinement and a substantial improvement.

It is a common error countenanced by great historical names, that the doctrine of the balance of power was an invention of the Statesmen who governed the Italian Republics early in the fifteenth century; and the invasion of Naples by Charles VIII. of France at the end of that century, has been pointed out as the occasion on which this system was first acted upon to a considerable extent. No doubt the Venetian and Milanese, the Pope and the King of Spain and the Archduke of Austria, King of the Romans, all burying in oblivion their mutual jealousies and even animosities, made a treaty to defend Italy against Charles. But the principles of the balancing system had long before, as we have seen, been understood and repeatedly acted upon; and this League can only be regarded as a measure of defence taken by the parties when a common danger alarmed and united them. Among those who have thus represented the Italian statesmen as the authors of this obvious policy, and the Venetian League against Charles VIII., as the first occasion of its being made the rule of the public councils, Dr. Robertson, in his celebrated Introduction to the *History of Charles V.*, is the most remarkable.

He describes the success of this League as having first taught the Italian States the importance of attending to the great secret of modern policy, the "balance of power," and he speaks of their having "discovered the method" preventing any monarch from becoming too powerful for the security of his neighbours.* The maxims, according to this great writer, which had before been only applied to regulate the affairs of the petty Italian Commonwealths, were now extended to the affairs of Europe at large. Mr. Hume, in his admirable *Essay on the Balance of Power*, has taken a sounder and more enlarged view of the subject; and has shown that the same principles were both known to the statesmen of ancient times and acted upon by the nations whose councils they guided.

The federal combination of different States, having the monarchical form of Government which formed the Germanic body, had the same effect in modern times which the republican federacies of Greece produced in turning men's attention to the rights and duties of nations, one towards another, and inculcating the policy of union among weaker States, to prevent or to resist the aggression of ambitious and powerful neighbours. So that when all Europe adopted the French system of maintaining regular or standing armies in the fifteenth century, the mutual relations of Sovereigns in their dealings with each other became the subject of general deliberation among Statesmen and Lawyers. This happened about the same period with the revival of letters, after the Dark Ages in the North (for in Italy that change had long taken place), and especially when the happy invention of printing made learning of every description easily accessible to all classes, both incalculably accelerating the progress

* *Charles V.*, Book 1st. For an excellent and accurate account of the Venetian League, as well as of the French Expedition which gave rise to it, no better reference can be given than to Sismondi's *Rep. Ital.*, vol xiii., chap. 95.

of knowledge, and bringing every subject of any importance, and some subjects of no importance at all, into universal discussion. The Law of Nations, sometimes not inaccurately termed International law, was thus introduced, or rather was reduced to a system; for its principles, grounded on the plain maxims of natural justice, existed at all times, and were at all times admitted in argument, how widely soever departed from in practice. But it was not for above a century and a-half, after the time of Charles VIII. of France, that writers arose who discussed the principles of the system in learned treatises. The Roman Lawyers gave the name of Law of Nations (*Jus Gentium*) to that branch of Law which we term National; namely, the law which all nations use, the principles of natural justice which, being implanted in the minds of all men, are recognized by the municipal Laws of all nations, and are the foundation of all systems of jurisprudence. But what we term International law, the law that binds, or ought to bind independent States in their intercourse and mutual relations—the Law which regards all States as forming one great community, and subject to a general code of rights and duties—this was termed, by the Roman Jurists, Natural Law (*Jus Naturale*).

The subjects of this *International*, termed also *Public Law*, are everything that relates to national rights and independence; to the causes of war and all that gives a title to make it; to the mutual intercourse of commerce and navigation, including the right to certain portions of the sea; to the manner of conducting treaties and maintaining peaceable relations; to the manner of carrying on war, and the restraints which should be put upon its violence; to the intercourse between neutral states and belligerents; the rights of the latter to interfere with the commerce of the former; to mediation or arbitration of neutral states between belligerents; to the construction and execution of treaties; to the occupying of newly-dis-

covered countries; to crimes committed against the rights of nations; to the shelter and surrender of criminals or other fugitives; to the treatment of deserters and spies; to the intercourse of one nation with the rebellious subjects of another; to the rights and duties of ambassadors;—in fine, to whatever rights independent states possess—whatever wrongs are committed or attempted in violation of these rights;—whatever duties are incumbent on one state towards the other. It is a system of jurisprudence applicable to whole nations, and in the provisions of which nations are regarded as individuals—the whole body of nations, or at least of civilized nations, as the subjects of one universal Law and the members of one great community. It differs in one material respect from municipal law; there exists no tribunal and no executive power to enforce its provisions and punish their infraction. The general sense of mankind is appealed to; the general feeling of all nations, and their governments, is resorted to; and the union of different states may sometimes be the means taken of preventing or of punishing that infraction; but the more usual course is the particular retaliation or hostility of the injured party—"the wild justice of revenge"—which the common opinion of the world will justify and approve; and for the success of which the general sense of men will be found to be anxious.

It cannot, however, be denied, that important as such a code must always be, until nations wisely combine to form a tribunal, whose decrees in each case shall be deemed binding; yet its existence—the knowledge of its principles—their discussion by the people in all countries—the works treating of them by learned, and able, and judicious authors;—the formation of a public opinion in their favour, and the universal reprobation of any outrage upon them—have a powerful tendency both to prevent acts of national violence and injustice, to render wars less frequent; and

to mitigate their severity when they do break out. Many acts of aggression and spoliation which, in ancient times, no one even wondered at, could not now be attempted without exciting a universal abhorrence. Most of the wars of plunder first, then of ambition, which the Roman people waged, would in our times be met by the unanimous reprobation of all nations. Every act of violence committed by one state against another would be so generally execrated by all third parties, that the chances are much diminished of such outrages being attempted. No single nation durst have marched its troops into Poland to seize one of its provinces. When three such powerful states as Austria, Russia, and Prussia, combined to commit that dreadful crime, all mankind stood aghast; and, scorning the plea fraudulently set up by the wrong-doers, of self-defence against the Polish anarchy, held them in bitter and lasting execration for their enormous violation of the Law of Nations, and the most sacred rules of public justice. But this very combination—this leaguing together in a foul conspiracy against all law and all right—ought to have been prevented, or, if that was impossible, punished, and restitution effected by the adverse association of all other nations against the conspirators. It was the bounden duty of England and France, especially, to place themselves at the head of such an alliance; and their omission, as short-sighted as it was reprehensible, gave an all but fatal blow to public virtue, and to the obligatory force of Public Law. It happened that France, for many years, felt not the effects of this grievous neglect of duty, because she availed herself of the laxity of principle which it had spread through the world, to commit almost as great infractions of the Public Law. But England and Spain, and the Northern Crowns, and the Germanic States, all suffered severely from their acquiescence in the partition of Poland. Nor were the criminals themselves fated to escape retribution. Their capitals were in

succession conquered, their dominions overrun, their provinces dismembered, their armies destroyed, their treasures exhausted in wars, not one of which, in all probability, would have been waged, in all certainty would not have been successfully waged, against them by France had not the Law of Nations been broken, and broken with impunity by themselves in their robbery of Poland. There is every reason to hope that these calamities, and the successful invasion of France, in which her unprincipled aggressions terminated, have revived the ancient feelings, and re-established the old and sound principles of Public Law and wise policy; and that the peace of Europe is now planted upon a more solid foundation than before.*

* Date of this Dissertation, January, 1843.

GENERAL PRINCIPLES OF FOREIGN POLICY.

THE principles of Foreign Policy have been in some measure explained in tracing the progress of the system, now generally understood and more frequently acted upon than neglected, by the states of Europe. But it is necessary to set forth those principles more distinctly, and above all to guard against certain errors with which the treatment of this important subject is very often affected.

It is, in the *first* place, most important to remark that two very different things are very frequently confounded under the same name, and considered as composing the Balancing System—the policy of forming leagues against a powerful neighbour who either attacks or threatens any other state, and the more remote, and much more doubtful, delicate, and often dangerous policy of maintaining a certain equality and balance among different States, so that if one power, formidable by its magnitude, should gain any increase of territory or resources, some one or more other powers may likewise be so augmented as to perform the operation of keeping the balance even. Let us first consider the former of these objects.

1. There can be no principle more obviously true, than that when any one state menaces the independence of any other, not only that other ought to call in the aid of its allies, or to contract alliances for its protection, if none have already been formed, but that other states, though not either attacked or threatened, ought to

make common cause with the one which is placed in more immediate jeopardy; and for this plain reason, that its overthrow will further increase the power of the aggressor, and expose them to the risk of afterwards being assailed and conquered. So far from being a refinement of policy, this is simply yielding to the common instinct of self-defence. Ambition has no limit; the success of one outrage upon national independence, may pave the way for new outrages; the power to do wrong never fails to increase the desire of exercising it; and whoever is allowed to have more power than he ought to have, is always pretty sure to desire more than he is allowed. *Cui plus licet quam debet, eum semper plus velle quam licet.*

2. It is a corollary from the same proposition that Leagues or alliances of a defensive kind ought to be formed among States which, from their position, are exposed in common to the hazard of being attacked by any powerful neighbour. The common interest arising from a common danger, ought ever to be a sufficient tie or bond of union among states in this predicament, and ought above all things to quell every feeling of rivalry, or jealousy, or whatever else can give rise to mutual animosities; much more to stifle every desire of aggrandizement at the expense of any neighbour. It is, however, but too often found that near neighbourhood among communities, like near neighbourhood among individuals, gives rise to ill blood. The points of contact being many, collision is more likely to take place; and hence it is more easy to preserve unbroken friendship between two States both of which are exposed to danger from the power of some third state, but which, though thus in similar circumstances, do not adjoin each other, and have few if any occasions of coming upon the same ground, as by having different pursuits, and so not being rivals in trade any more than they are near neighbours in position. The considerations now adverted to, have too often led to

the notion that certain nations are what is called *natural enemies*, while others are *natural friends*. The tendency of the rivalry arising from similar pursuits growing out of similar situations, and the tendency of nations guided by an ambitious and unprincipled policy to invade those who are most exposed to their attacks, has given rise to this barbarous notion, a notion far too well borne out by the conduct of States, as the history of all ages bears witness. Yet every consideration of plain and important interests should lead to exactly the opposite conclusion. The people that inhabit the country nearest to us, must needs be our best customers and we theirs, for all things which the one wants and the other possesses. The commerce between two such countries is the most easy and the most gainful, exposed to fewest hazards, and returning most speedily and with the largest profits the capital employed to carry it on. The very circumstance of being exposed to each other's attacks, far from affording any reason for manifesting mutual jealousy and envy, ought to operate as the best incentive to cherish friendly sentiments and hold a peaceable conduct; for if one of the two neighbouring nations is exposed to attack from the other, so is that other in like manner open to be attacked in its turn. So that near neighbourhood should be regarded as a common danger calculated to cement the alliance between the two nations, instead of ranging them against each other. Yet there are many political reasoners who would persuade you that Austria, for example, is the natural ally, and France the natural enemy of England, on the ground that both Austria and England may have something to fear from France. No doubt the alliance between England and Austria is extremely politic in case either or both should be threatened by France; but so is the alliance between France and England, and for precisely the same reason. The common danger from France is given as the reason for an Austrian alliance;

but there is likewise a common danger to plead in favour of a French alliance—the danger of England being invaded by France—the danger of France being invaded by England.

3. It is another position, perhaps rather another part of the same position, that all particular interests, prejudices, or partialities must be sacrificed to the higher interest, indeed the paramount duty, of uniting against oppression or against the measures which appear to place the security of all in jeopardy. No previous quarrel with any given State, no existing condition even of actual hostility, must be suffered to interfere with the imperative claims of the general security, or to prevent a cordial union in order to work out the safety of all.

4. We have mentioned one obstruction which these lessons of obvious policy, this compliance with the manifest duty of self-preservation, sometimes encounters, in the mutual jealousies and the national antipathies of neighbouring States. Another, and a far more inexcusable breach of duty, is not less frequently committed by one or other of the States which are interested to resist a powerful aggressor, being gained over to become his confederate. Ambitious and unprincipled Governments have generally accomplished their great object of dividing those States which they desired to invade, by taking advantage of their mutual jealousies. Once able to sow dissension among them and to divide them, the conqueror has succeeded in gaining over one or other to his cause by lavish promises, and even by giving a liberal share of the spoil resulting from his operations. The yielding to such corrupt attempts, has formed in all times the greatest crime which States could commit; and it has rarely if ever failed to bring its condign punishment on those who were base enough to perpetrate it. "A fine end," says the great orator in one of his noblest passages, "a fine end the Eretrians made of their treachery to the common cause. They now

are slaves to the tyrant conqueror, scourged and tortured."*

5. The same policy which recommends prudent foresight in forming alliances for defence against an attack only apprehended and not yet made, inculcates a further provident care of future security, by making nations unite, or even prepare for their defence, as soon as they perceive any one becoming dangerously powerful. Such an augmentation of force may either arise from conquest, or from natural and accidental and therefore justifiable causes. If any power conquers another, though that other may stand in no relation of alliance to the rest, they are equally endangered by the fruits of this aggression, as if one of themselves had been invaded and swallowed up. In like manner, if a design is apparent to attack any other, not belonging either to the confederacy of states or to the number of neighbouring nations; these have a right to regard this as a design hostile to their own security, and to interfere with a view to prevent its execution, although the threatened state may never have called for their assistance. But the case is somewhat less clear if the growth of the power in question, and by which it is becoming formidable to all its neighbours, has arisen not from conquest, but from inheritance, or from natural causes. If it has arisen from inheritance, if the sovereign has by the chances of succession become possessed of dominions, which, added to his own, give a dangerous increase to his power, there seems considerable difficulty in requiring him to renounce the succession. If indeed a matrimonial alliance be made which is likely to bring about the succession and inheritance, clearly the interference of other powers is perfectly justified, as much as if the augmentation came by conquest, and a renunciation may be required at the time of the marriage, to take effect upon the succession opening to the fruits of that

* *Δουλευουσι γε μαστιγουμενοι και τριβλουμενοι.*—This is untranslatable.

marriage. This was the cause of the war in William and Anne's reigns, on account of the French and Spanish crowns being expected to unite in consequence of the marriage contracted by the two royal families. The other states of Europe conceived that they had a right to require such prospective renunciations as should secure a separation of the two monarchies; and though the war was prolonged most improperly, both unjustifiably and impolitickly, and though England refused better offers in the conferences of Gertruidenberg than she obtained at Utrecht, after a great additional waste of life and treasure, yet the treaty there made, and as it were dictated by the allies, Holland, Germany, and England, provided against the Spanish succession falling to a king of France. But if by the mere accidents of death and failure of issue, one sovereign becomes possessed of two dominions, it is more difficult to say that the possible dangers to other states arising from this union entitles them to require, and of course by force of arms to compel, a renunciation of one of the dominions. The principle no doubt applies to this case; and yet it is hard to discern any argument for maintaining such a right, that would not also justify the exercise of it in another case to which all must confess it is wholly inapplicable, I mean that of a nation becoming much more powerful than it ever had been before, by means of internal growth in population and wealth, by the favourable influence of natural advantages, and by the wise policy of its rulers. Nay, the case may also be put of this growth taking place in the one favoured country, while the others are either stationary or retrograding in improvement. No doubt can exist that the danger may be great which arises from this improvement of one country beyond any of its neighbours; and yet the wildest speculations of policy never led any one to hold that any possible right of interference could be conferred on other countries by the most rapid rise in the resources of any one, when that increase

arose from natural causes. But though beyond all question, such a natural increase of resources and therefore of power, can give no right whatever of aggression as by way of defence or precaution, yet clearly it forms a good ground of watchfulness, and ought to occasion, in common prudence, active exertion on the part of other states. These ought, on the one hand, to cultivate by every means their internal resources, adopting all improvements, both financial, military, and economical, whereby they may be enabled to make head against the formidable power of the people in question; and they ought, on the other hand, to cultivate a cordial good understanding with all states exposed to the same danger with themselves. The wholesome rivalry, now alluded to, and the almost equally useful good intelligence, has been constantly exemplified in the history of modern Europe. We have already alluded to the military improvements since the fourteenth century; but the whole progress of the different nations in the arts of life has been much influenced, probably in the main directed, by the same consideration.

6. Beside the common interest arising from common danger, and uniting together states so circumstanced, there have been other things which nations considered as adequate grounds of connexion and co-operation. Of these, one is of so prominent a character, and proceeds from such views of justice and humanity, as entitle it to the most respectful consideration. Nor, indeed, can it be said to be wholly unconnected, though but remotely, with the motives for union and concert of which we have been treating. The spectacle of oppression and injustice, though only exercised over distant communities, and only increasing a power which cannot, in the ordinary course of events, be exerted to our own detriment, has often-times been found to give such pain and such displeasure, both to the feelings of the people in countries removed from the scene, and

even to their rulers who shared such laudable sentiments, that attempts have been made by interference, remonstrance first, then menace, to check the career of the stronger, and rescue the weaker party. If the injustice committed or threatened be very glaring—above all, if it consists in conquest and in augmenting the power of the aggressor, it may be considered that the whole civilized world is interested in checking and punishing such outrages, and that nations so far removed from the neighbourhood of those acting and suffering respectively, as not to be immediately affected, and not even to have any ground for dreading the consequences of the wrong committed, are really interested indirectly; because whatever weakens the security of one country, and encourages another in its attacks, tends to lessen the general reprobation of injustice, and gives encouragement to usurpers and invaders all over the civilized world. Thus it would not be easy to see any danger arising to the North American Union from the partition of Poland in 1793–94, or the Holy Alliance in 1816 and 1820; and yet it is certain that the Americans had a right to complain of such acts being permitted, because the impunity of the wrong-doers gave a blow to the political morality of all nations, and lowered the tone of public principle. The United States were interested, like all other countries, in seeing that the principle of National Independence was held sacred, that none could conspire against it with impunity, and that whoever drew the sword to conquer should be held accountable. In like manner, though the profligate and unprincipled attack of these states upon Mexico may not mainly affect European nations, all have an interest in having such aggression reprobated, as its being suffered to pass with impunity weakens the moral tie all over the world. It is on something of the same principle that Pirates are, by the Law of Nations, regarded as the enemies of the whole human race, and

that each State assumes, with the hearty concurrence of all others, the right to seize and to punish them. The Slave Trade ought, in like manner, to be regarded as so far an infraction of all public Law and all natural rights, that they who engage in it should certainly be treated as Pirates. They are, in truth, Pirates of the very worst class; and the only difference between them and ordinary Sea Robbers is, first their depredations being carried on against barbarous though unoffending tribes; and next their mingling with the love of plunder, by which alone, ordinary Pirates are actuated, a degree of cruelty baffling all description, and from the guilt of which these are for the most part free.

But there have been other bonds among states, other motives of action in their external policy, far from claiming the like favourable consideration. Communities living under similar forms of government have sometimes formed alliances, and regarded their interests as the same. No doubt, if the apprehension of danger to their independence arose from the hatred borne to that form of polity by some other power, such a bond of union was sufficient. But the mere circumstance of our preferring a democratic to an aristocratic, or a Monarchical to a Republican scheme of Government, can never afford any good ground for uniting with others who have the same preference, against a community or a league of States, whose views of national polity are of a contrary description. The Dorian and Ionian division of the Greek States affords an example of this improper application of the Principles of Foreign Policy; modern history affords no example of the same kind. At the head of the one was Athens, of the other Sparta; and long after the occasion for checking a formidable neighbour had ranged these two leading powers on the same side, we find recourse had to the policy, or the propriety of regarding the domestic polity of any state as a ground of alliance. The great orator himself, while he urges the propriety of aiding

the Rhodians, and admits that there might be reasons for desiring a union with democratic States less than with Oligarchical, because with the former peace is easier restored; adds, that he would rather see Athens at war with all the free states in Greece, than in alliance with the Oligarchical ones; from whose contact nothing but danger to Greece could ever be expected.*

The same remark applies to the religious resemblances and differences of the communities in Modern Europe. The various powers were ranged for a long course of years on different sides in the quarrels of the day, by their agreeing or differing on this important subject; the Catholic powers concurring on the one side, but the Protestant powers, far more zealously uniting together on the other. What was called the *Protestant Interest* had this origin and this foundation. It was supposed first in the sixteenth century, then early in the seventeenth, and afterwards, since our own revolution, at the latter end of the century, that the religion of Holland and of England were alike endangered by Spanish bigotry and intolerance;—next, that the Catholics of Germany were minded to persecute the Protestants whom Protestant Sweden assisted —lastly, that France and Spain favoured the Romish Pretender to the English throne on account of his superstition. If the agression was dictated, and its authors were marshalled by religious views, such defensive combinations were, of course, both justifiable and even equitable. But it is not to be doubted that such views had a deplorable tendency, both to stir up wars and to prolong their continuance, by invoking the influence of religious feelings—the strongest of any which can seize a nation—and by making men suppose designs against their faith, which had no existence but in their heated imaginations.†

* *De Lib. Rhod.*

† The length to which this religious feeling has, at different times, found admittance into the negotiation of different States, needs hardly

A similar fellow-feeling among nations having governments of the same structure, has been sometimes fancied in recent times to furnish a principle of union. The broad distinction between those states which have a constitutional or popular government, and those which are under an absolute monarchy, has been urged as a ground of alliance by enthusiastic persons, feeling or pretending great regard for the improvement of mankind, and seeking it in the propagation of liberal opinions. They forget that the same views would create leagues of those absolute princes to help one another against popular rights; that the Holy Alliance, some thirty years ago, was formed with this very ground, and that the most outrageous act of the French Convention was its encouragement of revolutions in foreign states.* They forgot that nothing can justify one state interfering with the internal affairs of another, and that the worst of mischiefs must ever be the result of such interference. They forgot that whatever shakes national independence is the very mischief which a sound view of foreign policy is mainly calculated to prevent; that the prevention of conquest, and keeping of national rights secure from assault, is the very object of the modern system; and that consequently any such union of free states on the one hand, as against absolute governments on the other, far from being justifiable, is a most dangerous form of the very

be illustrated by the history of the sixteenth and seventeenth centuries. But it was reserved for the Prime Minister, also the Confessor of Anne of Austria, when Regent of France, during Louis XIV.'s ministry, to propose, as the preliminary of entering into any negotiation for peace with the States' General of Holland, that their High Mightinesses should engage to express their belief in Transubstantiation, and to celebrate High Mass publicly. The Cardinal considered that Providence never could be propitiated without this observance. It is needless to add that the Dutch Government immediately made the demand public, and at once defeated the Cardinal.

* The famous decree of 19th November, 1792,—a main cause of the dreadful war which so long laid Europe waste and overthrew so many established governments.

evil to guard against which all the efforts of our policy should be directed.

7. The abuses which we have been last considering are not the only ones of the Balancing System, nor perhaps are they peculiarly its growth. A worse has arisen, and arisen out of its principles, either ill understood or pushed to an extravagant length. Mistaking the means for the end,—speculators in the theory of politics, and unfortunately statesmen also, guiding its practice, have often conceived that it was proper to make distributions of dominion and territory in accordance with certain notions of a balance among different powers, awarding augmentations to one, and of necessity taking from another, so as to suit some such notions, and what they termed "trim the scales," or adjust the machine. I say, mistaking the means for the end, because the whole object of the system is to maintain unimpaired the independence of nations; to prevent the spoliation of the weak by the strong; to establish and perpetuate the same security for different states which the municipal law is framed to preserve to individuals; consequently nothing can be more contrary to this great end, nothing more preposterous, than to seek after a fantastic equilibrium at the expense of the very good in view; and yet it would be difficult to conceive any combination of circumstances which could place considerable territories at the disposal of a general congress of powers or a league of several states, without depriving some existing government of its actual possessions. Nor, if there were any abeyance of sovereigns or other rulers, and any dominion left as it were vacant and direlict, could it be pretended that the people inhabiting the territory had not a right to be treated as independent, and consulted before the transfer should be effected. Refinements of the description now alluded to, were very common among the ingenious and subtle spirits that governed the Italian Commonwealths in the sixteenth and seven-

teenth centuries—they led to great acts of aggression, injustice, and spoliation: worse than the worst of which was the crime of the three Northern Courts in partitioning Poland, not indeed for the professed object of the old Italian politicians, the trimming of the balance, but avowedly for the pacification of a troublesome neighbour, and really for their own aggrandizement. These statesmen have, however, had the boldness to affirm that the distribution of Poland was made according to the principle of a balance of power, "selon," says Hertzberg, "les principes d'une balance convenue entre elles;"* as if three robbers should prètend to be guided by a sense of justice, when they made an equal division among themselves of a man's purse whom they had murdered and rifled.

8. The great principle of international justice as well as policy, is the maxim that no one state has any right to interfere with the domestic affairs of any other, or to attack any other unless in self-defence, directly or indirectly, that is, defence of its own subjects and possessions when attacked, or defence of others when they are attacked so as to threaten the general security of nations. This is the corner-stone of the system, and both right and expediency require that it should for ever remain unmoved.

9. But it is no infraction of this sacred principle, that the internal condition of any given country should be regarded as affecting the security of its neighbours, so as possibly to give them a right of interposition for their own security. If a people have thrown off all regard to the Law, have destroyed their government, and become the prey of lawless violence, and the example of anarchy, no nation can be safe in its neighbourhood, and all neighbouring States have a right to require that some order shall be restored, and some security

* *Œuv.*, i., 296.—Hertzberg was Frederick's minister at the time, and the passage in the text is from a speculative essay of his on the Balance of Power.

for its continuance be afforded. The right of every man in a community to do as he pleases with his property is unquestionable; but it is subject to the limitation *sic utere tuo ut alium non lædas*—therefore he can neither set fire to his house in a town, nor make it a receptacle of plague-patients, nor convert it into a den of tigers and rattlesnakes. So he must not dig on his own land so near his neighbour's, as to risk the fall of that neighbour's house on the first puff of wind. Prospective dangers are to be guarded against; and hence the Roman Law required that notice of a new work about to be undertaken should be given to the vicinage—the *novi operis nunciatio* was necessary. It is, however, clear that only a great and manifest, and also an immediate danger, can give the vicinage a right to interfere. It must not be a trifling, or a speculative, or above all a remote risk. The state of France at the beginning of the Revolution, came nearer to such a case than any of which History has left us the record. But the anarchy there was of short duration, and perhaps would at no time have sufficed to justify our armed interference, but for the decree already alluded to of the 19th November, 1792, holding out direct, formal encouragement to the rest of Europe, to overthrow the existing Governments, and establish Republics. The lamentable state of Poland, the result of its very bad constitution, seems never to have furnished any sufficient excuse for interference; because, desperate as it was, and directly as it tended to the bad government of the country, the constant weakness to which it gave rise was anything rather than a ground of alarm to its neighbours; and the confusion which it engendered was only occasional, during the election of a new King upon the demise of the Crown—a risk certainly to neighbouring nations, but one against which they could always easily and securely defend themselves. The best possible proof, indeed, that the anarchy was a mere pretext for the spoliation,

is afforded by the fact that the last partition, indeed all the partitions except the first, and the entire extinction of Poland as an independent State, was perpetrated after the famous constitution of 3d May, 1791, had been solemnly established—a constitution which gave every chance of national prosperity and guarantee of regular government, and which Mr. Burke had as lavishly as justly praised, though it was overthrown during the heat of his contest with all political reformers, and his somewhat exaggerated contempt of all makers of constitutions.*

As for the more recent cases, or pretended cases, of interference justified by internal disorders, those of Naples in 1820, and Spain in 1823, nothing can be more groundless than the pretexts thus sought by the Holy Alliance in the one case, and by France in the other, for marching troops to prevent the people from changing the form of their government at their own pleasure. No appearance of anarchy was exhibited either in Italy or in the Peninsula, and no risk whatever was to be apprehended, against which a very ordinary degree of care would not have provided a perfect security to all neighbours.

10. The policy adopted by any state, how little

* Nothing in the text can be taken as making any defence of the Polish anarchy, or any attempt to extenuate the numberless vices of the very worst political system that ever afflicted civil society—a system which seemed to make it doubtful if the savage state was not preferable to that form of degraded civilization. It appeared even to have justified an effectual interference of the neighbouring powers in order to obtain some security for good order in their immediate vicinage. The want of reflection often evinced by the Poles and their advocates, who seem to regard the mere name of Poland as a good cause for endless war, cannot be too much lamented, great as are the real merits of their case. It appears that all the ends and all the uses of good government are as nothing in their estimation, when compared with the re-establishment of their nation.

The *History of the Anarchy of Poland*, by Rulhiere, deserves to be carefully studied both for the importance of its facts and for its admirable composition. Some portions combine all the charms of romance with those of the most philosophical history. No one, for example, who has read the *Expedition of Oginsky* can ever forget it. It is to be placed beside Robertson's *Columbus* and *Gasca*—among models of the narrative art.

soever under an external compulsion, may afford complete justification of aggressive or preventive measures to its neighbours, should that policy lead to its becoming, in whole or in part, subject to another state. Hence, no act of cession of its territory on the part of an independent power to another state, can be valid without the concurrence of other powers, whose safety may be endangered by the change of dominion. This has already been explained; but the apprehension of a compulsory cession may well justify precautions on the part of other states to prevent it. If any country is so weak that it cannot resist aggression from another state, its neighbours, and that enemy's neighbours, even when they are not at war with him, may justifiably interfere, and prevent the conquest, by undertaking the weaker party's defence; or even anticipating the attack, forcibly compel the weaker power to resist the attack—exact good security that its self-defence shall be both honest and effectual—and, if no other security can be obtained, take possession of its territory and its resources generally, in order to save them from the enemy. It is, however, manifest in this case, as in that of danger from internal anarchy, that the risk of conquest must be direct, great, and immediate. Speculative dangers, possible hazards, remote risks, will never justify so extreme a course; and as the chances of the right we are speaking of being abused are great, the more carefully must Statesmen guard against such abuse in their application of the principles. The most remarkable instances of this kind are to be found in the history of the East, especially the policy of those two great and enlightened Rulers, Mr. Hastings and Lord Wellesley, and of the latter most eminently. Nothing can be more complete than the justification afforded to his Lordship's wise, vigorous, and successful measures, by the state of the native powers during the French War. The same remark cannot certainly be applied to the famous case of Copenhagen in 1807;

because, although there was every reason to believe that Napoleon designed to subdue the Dane and seize his fleet, and that he must have succeeded in his invasion, there was no immediate prospect of his making the attempt, full as his hands then were, and only just having made peace with Russia—a peace which an aggression upon Denmark must at once have broken. It seems clear that we were bound to wait, until he should begin to make some preparation for the apprehended expedition. No doubt, had we been able to detect any secret understanding with Russia (a sufficiently probable thing)—that France should seize the Islands while she took Norway, it would have been our right, and even our duty, to garrison Sealand so as to secure its defence whether the Danish Government desired it or not—and if we could not have effectually placed that Island and Arsenal above the danger of capture, when the Belts were frozen, we were entitled to carry away the fleet and stores, in order to keep them for Denmark until the peace. But here, as must ever be the case in all such discussions, the only question was, whether or not we had proof both that the danger was great and that it was imminent? The principle could not be doubted; but the evidence was wanting to bring the case within its scope. As Lord Erskine forcibly observed—"You have a right to pull down houses between you and a great conflagration, when that is so near that you have no other escape; but because a fire has broken out in Coventry Street, you are not therefore justified in pulling down all the houses at the west end of Piccadilly." It must be further observed, that our retaining the fleet at the peace, in 1814, sheds a very unfavourable light upon the whole of our conduct in 1807; and casts no small doubt upon the purity of the motives assigned for it, and the force of the reasoning urged in its defence.

I should place under the head of interference

justified by the principles now under consideration, the expedition under my illustrious friend Lord St. Vincent, sent by Mr. Fox and Lord Grenville in 1806 to the Tagus, in support of the mission of which I was a member. Our object was to require that Portugal should take the requisite measures for her defence, against the invasion preparing by Napoleon; and if we could not be satisfied, both of the determination taken for that purpose, and of the proposed measures being sufficient to secure the independence of the country, then to induce or to compel the removal of the seat of Empire from Europe to the Brazils. Upon a full examination of their resources, we found reason to believe that the Portuguese were in no condition to resist the attack of the French army; and we had resolved to carry over the reigning family to America. When the war suddenly broke out in Germany; and the expedition and mission were at an end. The troops, ready to join us if required, never left England; and the fleet left the Tagus.*

11. Under the head of assistance or apprehended assistance to an enemy, falls the aid given or expected to be given by neutrals to belligerents; and this apprehension has given rise to some most hurtful practices, and even to the introduction of pernicious principles among European states. There can be no doubt that the character, and with the character, the privileges, of

* I remained for some time at Lisbon, in order to proceed to Madrid, and negotiate with the Prince of the Peace, who was then disposed to quit the French Alliance in the belief that the pressure of the war in Germany afforded him an opportunity of breaking with Napoleon. The battle of Jena speedily ensued, and the Prince of the Peace had lost all recollection of his pacific intentions towards England. While that disposition continued he had arrested M. Arago; and on the intelligence of the victory released him. My illustrious friend has often told me that he well understood why he was liberated, but never, until I explained it to him, why he had been arrested.—A passage in Mr. O'Meara's book refers to what Napoleon mentioned to him on this subject, and which he could not comprehend. Lord Grey and I at once perceived what was meant, and we regarded this as a proof of Mr. O.'s fidelity.

a neutral are forfeited if he takes a direct part in operations, whether offensive or defensive of war; he becomes an ally and so a belligerent. But some line must be drawn; because a belligerent may be aided in the conduct of warlike operations by the merely innocent commerce which he carries on with the neutral. Nothing, for example, can more aid warlike operations than the obtaining supplies of provisions or of money; yet no one can pretend that this commerce on the part of a neutral is a taking part in the war, unless where a place or a coast happens to be blockaded, and then all commerce is of necessity forbidden. But at all times a carrying to the belligerent of guns or warlike stores is necessarily held to be direct assistance, and such trade being forbidden, cargoes of that kind are forfeited when seized. Some refinements, however, have been introduced not so easily justified. Of these the chief are the following three:—

(1.) Enemy's property in a neutral vessel is not held to be covered by the neutral flag, at least by our jurists; the continental jurists belonging to governments which have more interest in denying this doctrine, because they have less naval power, hold the opposite opinion, that free ships make free goods.

(2.) In the Seven years' War, a rule was introduced by England to prevent her enemy's merchandise from being protected by neutral flags. It was laid down that no trade which a foreign ship could not by the law of the belligerent carry on in peace, could be carried on by neutrals in war. Thus, French or Dutch colonial produce could only in peace be imported into France and Holland in French or Dutch vessels respectively; therefore in war neutrals were forbidden to carry such produce between the colonies and the mother country. This is termed the Rule of the War 1756.

(3.) The right to blockade a coast was at one time held to imply a right to proclaim any extent of coast blockaded, and to seize all neutrals sailing to or from

that coast. This is now most properly abandoned, and the rule is admitted that no paper blockade, as it is termed, can be valid, and that no blockade of a coast can be deemed legal, except that which is actually maintained by such a force as to render exit and entrance into its harbours dangerous. But it is also now established that the mere intention to enter a blockaded port, such intention to be gathered from facts and circumstances, subjects the ship and cargo to forfeiture —and the same rule applies also to contraband of war (that is guns and stores).

These are the general rules as to neutrals; they belong to International Law rather than Foreign or International Policy: but the two subjects touch and intermingle. Hence we may proceed to observe how greatly all nations mistake their interests, when they press more hardly on the rights of neutrals than the conduct of military operations renders absolutely necessary. It is the interest of all states to encourage neutrality, both because we thus narrow the evil operation of war, because we mitigate its sufferings, and because we better preserve one material chance of restoring peace when we retain as many neutrals as possible It is true that war may be made so profitable to those not actually engaged in it, as to give them an interest in its continuance; but still one great benefit ever results from states of respectable power being unconcerned in the conflict, that they may act as mediators between the belligerents, and so help to restore tranquillity.

12. Mediation is a very important duty which all states owe to each other. As often as a quarrel arises between two powers, it is the duty of those not involved in it to aid in restoring peace by their counsels, and willingly to undertake the office of arbitrating between the parties. When the mediation is accepted, the mediating power is entitled, and strictly speaking, is bound to side with the party agreeing to abide by the

award, against the party refusing to abide. But though there are many instances of such refusals (one very lately in the Belgian arbitration between England and the United States), there have been no well ascertained cases in which the mediating power took this course. In the hostilities of the Italian States during the sixteenth and seventeenth centuries, some interposition of this kind is to be found; but it rather is to be classed among the frauds and violences of that crooked policy which disgraced the history of those times and of those powers.

13. There are certain maxims of policy with respect to war, both as to engaging in hostilities and terminating them, which it is of incalculable importance to the interests of nations in the ordinary sense of the phrase, and indeed to the happiness of the whole species, that governments should bear in mind, making them the guide of their conduct at all times.

(1.) It is for the general interest of all nations, and consequently of humanity, that each should be always well prepared to resist any hostile attack. Such general preparation is the most certain guarantee of peace, while any one or two powers supinely suffering themselves to become less strong than their natural resources would enable them to be, offer a temptation to the ambition of a watchful neighbour, and so expose the general peace to risk of being interrupted. The rule is known, *Si vis pacem para bellum;* and this is the best application of that rule.

(2.) It must never be forgotten that no war can be otherwise than hurtful to all engaged in it, that any war may become disastrous, and that scarce any of the objects in view can on a calculation of interest justify a nation in resorting to hostilities. This is quite certain as regards offensive operations. How many times over did Frederick the Second pay the value of Silesia! He had first a war of four years and afterwards one of seven to undergo for it, in the latter of which his crown

was more than once on the very verge of being wrested from him. The acquisition of Canada cost England at least £150,000,000, entailing upon her people a burthen nearly equal to the whole value of that colony. But even defensive war is a speculation very far from being gainful. If a province of Austria be attacked, or an Island of the British Colonies, the cost of defending it amounts to perhaps twenty times its utmost value, and as a matter of calculation it would be more profitable to give it up without striking a blow. Why then is war ever a duty or ever an interest? Because if no resistance be made to one encroachment another is sure to follow, and the conquest of the whole country ensues. Just so, if a knave demands of me a debt of fifty pounds which I have already paid, although I have his receipt in my pocket I had better pay the money than contest it at law, because I shall lose more than the sum demanded by defending the action. But then I have no other means to save my whole property from the knave's aggressions. Hence it has been justly enough said, that wars for points of national honour are the only ones which are justifiable on a calculation of interest, and generally speaking the only ones in which a country should engage. But under this head come all wars for self-defence, and of course all wars for protecting an ally, and also all wars to preserve the balance of power—that is, to save other States from unjust encroachments.

(3.) It is perilous if not to beat an enemy too much at least to impose on him too hard conditions of peace. The recollection of defeat if kept alive by the hardness of those conditions, must rankle in the bosom of every great nation, and endanger the continuance of the peace. Hence to maintain the condition of things before the war, the *Status quo ante bellum*, should be the endeavour of the negotiating parties, taking reasonable security from the wrong-doer to prevent a repetition of his aggressions, and causing him to contribute

towards defraying the cost and the damage caused by the hostilities.

(4.) It is the bounden duty of all rulers to discourage sentiments in their subjects leading to national enmities; and when a popular cry arises against any foreign people, a general clamour for war, there is no more sacred duty on the part of the government than to resist such a clamour and keep the peace in spite of it; provided the cry is groundless and there is no necessity, and so no justification, of taking a hostile course. If the people are ever so deluded as to desire needless war, grievous is their guilt. But how much more heavy is the responsibility of those who delude them, and of those who yield to the clamour against their better judgment? The most humiliating passage in the history of England, to which we shall presently advert, is beyond all doubt the popular cry for a Spanish war, which drove Walpole from the helm; and it is now ascertained that the opposition raised the clamour, and plunged the country into the war, for the factious purpose afterwards avowed, of displacing the ministry and seizing on its place.

14. The considerations on which we have just been engaged, naturally direct our attention to the influence of different political systems upon the foreign policy of the countries in which they are severally established. We have discussed this subject at large in considering the capacity for operations of war, and of negotiation, possessed by absolute and by popular Governments.*

We have now only to resume the subject generally:—

(1.) The unity of both counsel and action, which a pure monarchy possesses, whether on the Eastern or the European plan, gives, no doubt, considerable advantages both for the conduct of war and of negotiation; and such advantages are more ample in regard to the

* Part 1, chap. v., (*Pol. Phil.*)

execution than to the formation of plans. But a great compensation is to be found in the more popular forms of Government, whether aristocratic or democratic, by their affording security against errors of rashness and of caprice in the formation of plans, and also in their furnishing a greater power of drawing forth a country's resources for executing those plans.

(2.) It is even to be remarked that, against the evils undeniably incident to a popular Government when engaged in negotiation—as the publicity of its proceedings, and the choice of an Ambassador, or an Executive Ruler being disavowed by the public voice operating upon the popular assemblies—we must set off the exemption from personal caprice, so incident to absolute monarchies, and the probability that war, so fatal to the interests of the many, will, in a free country, be slowly undertaken.

(3.) This last consideration is of great importance. The natural element of ambitious Princes is war. The armies required for the support of their power at home, afford a constant temptation to extend their dominions and exalt their renown. Victories redound to their glory more than defeats to their disgrace, and for both their subjects pay. Royal matches, personal quarrels, family interests, may cause the peace to be broken under absolute monarchies, while no such disaster can arise under popular Governments.

(4.) At the same time, we must ever bear in mind, how often a pure democracy has proved warlike. Rome and Greece are not the only examples of this position. America, both North and South, afford similar warning in our own day. There can be no doubt that an aristocracy is less likely thus to sin against its duty and against the public weal. The want of individual responsibility, which is the inherent vice of a democracy, exists to a certain degree in an aristocracy, but to a smaller degree; and this is quite certain, that whereas the people at large often clamour

for war without any reason; and would as unreasonably insist on a premature conclusion of peace. An aristocracy is generally found both to be more slow in commencing hostilities, and more wise in continuing them, notwithstanding a reverse of fortune. The Venetian history affords strong proofs of this position.

(5.) All the views which can be taken of the subject lead to one and the same central point—the vast superiority of a mixed Government—a Government which, with the advantages of unity in the Executive, combines also the control of popular opinion, and the benefits of patrician honour and wisdom in preventing that control from proving absolute and unmitigated.

15. The last of these considerations leads us to the remark that of all the subjects which can come before the people at large, the foreign policy of the State is the one on which they the least deserve to be consulted. Their interests are most materially affected by it no doubt, for on it depends the great question of peace or war. But the bearing upon their interests of any particular operation is far from being immediate, and a measure may be most necessary for securing the peace, even the independence of the nation, and yet its connexion with these great objects be far too remote for the popular eye to reach it. Whatever relates to the balance of power, even in the most legitimate sense of the phrase, is always likely to be undervalued because ill understood by the bulk of the community, nor is there anything more certain, than that the very same people who have been the most unreasonable in calling out for war when it should not be made, hardly ever fail to clamour as loud against it when if once entered into, it should be persevered in. Appeals to the people on questions of foreign policy are in truth appeals to those whose information is quite insufficient upon both the principles and the details of each question, and whose opinion is sure to be determined by the single test of present interest before operations are

undertaken, and of actual success after they have been commenced.

Our history, notwithstanding the admixture in our Constitution of both the Monarchical and Aristocratical principle, abounds in examples of unhappy consequences flowing from popular interposition in our Foreign affairs. The Spanish succession afforded a sound ground of war against Louis XIV. Our success was brilliant. Our government intoxicated with their victories and urged by the folly of the Dutch States (a folly of which these states bitterly repented soon but too late) refused terms at the conferences of Gertruidenberg which they could not obtain two years later at Utrecht, after new and great successes had been gained.*

The Public feeling never went with the war at all in England, although in Holland it went even before the opinions of the government; and all the victories of Marlborough and all the wisdom of Godolphin were never able to make it popular. At length without any reverse of fortune but through the mutual excitement, the action and reaction of faction and popular feeling, the Country was hurried into the peace of Utrecht, justly regarded as one of the most inadequate treaties ever concluded between nations. This affords a very striking example how little the public voice is deserving of attention from Statesmen in administering the foreign affairs of a great country, and how powerful against all the counteracting checks of a mixed constitution that voice may prove when supported by a

* Louis had in 1710 renewed his offer of giving up his Grandson, and placing the crown of Spain and the Indies upon the head of a German Prince, with the additional offer of paying a large sum monthly until Philip V. should actually quit possession. The Dutch intoxicated with success would listen to nothing short of the French king actually turning his arms against his own Grandson. At Utrecht, in 1712-13 Spain was with its Colonies retained by the Bourbons, and all that the allies obtained was a barren renunciation of the French Crown by Spain and of the Spanish Crown by France. England had moreover, the disgrace of gaining as the fruit of her victories, an increased share of the African Slave trade.

great party in the state. The prevalence of the Jacobite principles in the country, doubtless armed the Tory party with their main force in the struggle.

Another instance of popular interference, made effectual through party support, is afforded by the fate of Mr. Pitt's Russian armament in 1791. No one who now calmly considers that subject, can hesitate in forming the opinion that the designs of Russia upon the Porte, although the Turk had been the aggressor in the beginning of the war, both justified and called for the resistance of this country in order to save our ally, and set bounds to the Empress's encroachments. The popular argument that worse had been submitted to before at the hands of Russia and her allies Prussia and Austria (in other words that we had neglected our duty in 1772), afforded not even the shadow of excuse for neglecting the same duty now. Yet the war was unpopular—the opposition assailed it—the division of 175 to 253* in the House of Commons showed far too great a resistance to make a perseverance in the plan consistent with prudence—the minister was fain to yield—and he declared, when the year after the whole question came to be discussed, that the prosecution of the armament had been prevented by the Triumph which the opposition obtained over the best interests of the country. The resolutions submitted to Parliament by his adversaries and on which the Parliament followed the popular opinion, were that at all times, particularly in the existing circumstances, it is the interest of England to maintain peace, and that the various objections to the Russian Armament are well grounded—questions as unfit as can well be conceived for popular discussion.

But certainly the most remarkable example of the evils produced by popular interference with the foreign policy of the State is afforded by the Spanish arma-

* 12th April, 1791.

ment at the close, and which occasioned the close, of Sir Robert Walpole's glorious because peaceful administration; and this, as already remarked, is also the most glaring instance upon record of the mischiefs produced by party. The public voice was raised by the incentives of faction to clamour for war, or at least to complain of alleged maltreatment experienced by smugglers in the Spanish Settlements, marauding under the English flag. Walpole was driven from power and succeeded by his adversaries, who afterwards declared privately, as Mr. Burke has recorded, that their only motive for raising the outcry against keeping the peace, was the hopelessness of being enabled by any other means to overthrow his long-continued Ministry.

It cannot be doubted that, in 1803, the clamour of the people, acting through, as well as excited by, the press, if it did not cause, at least hastened the renewal of the war, which raged for eleven years. We may add, in further illustration of the same remarks, that Lord Chatham had a decided opinion in favour of exchanging Gibraltar against Minorca; expecting, by this sacrifice, to obtain the great advantage of Spanish co-operation against France; but his letters, which remain, and to which I have had access, betray the excess of his apprehensions, that such a proposal would raise a popular outcry, enough to overwhelm himself and his ministry. Yet he was one of the boldest of ministers, and the least under dread of the people. It would not be a sound view of the subject which should lead us to conclude against allowing weight to public opinion—even to the feelings of the community at large—upon questions of this description. The just inference is, that all pains should be taken to diffuse accurate knowledge, and inculcate right opinions respecting those questions; while statesmen are bound to exercise their own judgment, formed upon their better opportunities of discussion, and ampler means of information, and fearlessly to resist all clamour which they

know to be groundless; proceeding, as it too often does, from some temporary delusion.

16. Some considerations of a very obvious description, but of great use in practice, arise out of the subject of alliances.

(1.) We may lay it down as quite certain that no alliance of whatever kind can be durable, any more than it can prove advantageous, which is inconsistent with the national policy of the States that contract it. The circumstances in which any power is placed by the nature of its possessions, by the habits and pursuits of its inhabitants, by the interests of its commerce, by the risks of invasion from other States, are all to be regarded as pointing out what alliances should be formed, what avoided.—The obvious consideration of a common danger from any third quarter must ever be taken into the account when any two powers would contract an alliance; and generally speaking those are to be regarded as likely to profit by such connexions who have nothing to fear one from the other, especially if both should in common have ground for apprehension from some third quarter.

(2.) If circumstances of a general and lasting kind are to be regarded as most important in considering what alliances shall be formed, it may generally be laid down that alliances of mutual guarantee, or defensive alliances are more likely to be durable than those formed for purposes of aggression. What are termed alliances, offensive and defensive, strictly speaking are only defensive; because it is sometimes necessary for the contracting parties to make offensive war on an aggressor, in order more effectually to obtain the object of defence. But mere leagues to spoil a neighbour are in themselves more likely to prove hollow, chiefly because they have their origin in contempt of right and violation of justice; so that the more powerful of the confederates is always likely to attempt against his accomplices the same violence which both had levelled at

a third party. So we may lay it down as clear that mere personal and accidental connexions are of little merit.

(3.) Marriages of Princes are rarely if ever of importance in this point of view. It is an old maxim, "*Cher les Rois les cousins ne se connaissent guères.*" Accordingly the famous accession of the Duke of Anjou to the Spanish Crown only created an extreme aversion towards France among the Spanish people; and that Prince, had the occasion offered, must have soon fallen into the policy of the Kingdom in resisting France. We have of late seen how little Napoleon's marriage with a Daughter of Austria tended to protect him when attacked, or to break his fall when overcome. Nay, our own William III. was son-in-law of the Prince whom, with the help of his subjects, he dethroned; and Queen Anne was sister of the Pretender, for whose head a reward was offered by her Whig ministers the year after her decease.

(4.) That all defensive alliances are of a praiseworthy, because of an innocent and a beneficial nature, is as obvious as that those for aggression are to be always reprobated. In ancient times, when public as well as private morals were far less sound than in our day, such aggressive leagues were rather the result of a force imposed by some powerful state upon a submissive, because feeble neighbour, thus compelled to join in the aggression. But to the disgrace of modern times we have occasionally witnessed grievous acts of injustice and outrages upon all natural rights perpetrated by the league of independent states, voluntarily making themselves parties to the crime. The partition of Poland, begun in 1772 and consummated in 1794–5, affords the most remarkable and the most shameless instance on record. The wars of Napoleon, by the aid of his submissive neighbours, rather resembled the aggressions of the ancient Republics. But it must be confessed that when England joined the Continental Powers in a league to overthrow him, though that

alliance was in its origin strictly defensive, or only offensive and defensive as already explained, yet when the object of repressing France and stripping her of her conquests had been attained, the allies made such a distribution of territory as no regard for justice, no consideration of the principles which they had loudly professed, could sanction. Thus the King of Saxony was stript of a portion of his dominions by way of punishing him for having yielded to Napoleon, and Norway was taken from Denmark and given to Sweden, without any principle at all, but as a reward for the part played in the war by the soldier of fortune who had obtained the Swedish crown. It must, however, be observed that they are greatly in error, who regard either the Partition of Poland or the arrangements that closed the late war, as a proof of the balancing system being wholly pernicious or wholly chimerical. Such infractions of its fundamental principle neither prove its impolicy nor its mischief. A reference to Poland for this purpose is indeed peculiarly unfortunate. For while no one denies that the partition was a gross infraction of all rights, a high crime against the law of nations, and that they who suffered the crime shared largely in the guilt of those who perpetrated it, yet no one can doubt that the existence of the modern system made the proceedings of the three powers far less dangerous to the general independence of nations and imposed far more checks on their future aggressions than could have existed before the doctrines of that system were generally received, and for the most part, acted upon. For had Poland been the feeble neighbour of a power like Russia or Austria in old times, who can doubt that one of them would have made a sudden attack upon her and seized the whole or greater part of her provinces? The certainty of opposition from the others prevented any one of the three from invading her, though the anarchy become perpetual under the worst of all governments, an elective monarchy and feudal aristocracy, afforded daily temp-

tations to each, and each was strong enough to have gratified the desire which all must have entertained. Nothing can be more absurd, it is true, than the notions of some Continental jurists, especially in Prussia, that the Partition is an illustration of the theory, and was undertaken upon the principles, of the balancing system.* But it would be quite as wide of the truth to affirm that the system exercised no influence at all on the Triumvirate.—Similar remarks may be made on the close of the war.

The French conquests at the end of the last century and beginning of the present used to be cited as another example proving the nullity of the balancing principle. For a while, undoubtedly, they did seem to afford a proof of that system being found ineffectual to restrain the great invader of all its principles, just as a powerful pirate may for a season evade or beat down all attempts to seize or to punish him, and may continue his depredations with impunity. But even during the progress of the French arms the coalitions which, though successively defeated, yet interposed obstacles to the strides of conquest, were framed upon the principles of the system. Austria and Prussia laid aside their mutual hostilities to join against the common enemy. Russia grudged not either the maritime superiority of England or the extension of the Austrian dominions; nor did Austria grudge the acquisition of provinces by Russia; while England expended her treasure and fitted out her expeditions without grudging the loss of either money or men, when the question was of setting bounds to the establishment of an empire that might become universal. In ancient times England would have waited till she was attacked before she incurred all the costs and risks of war, and would have left France and Austria to fight out their own quarrel without mixing in it. All Europe would have stood by and seen Holland and Switzerland invaded, nor stirred till the conqueror turned his arms

* Hertzberg i., 296, before referred to.

against themselves, waiting, in fancied security, at peace behind the Rhine. But a sounder view of their own interest made each State adopt a more prudent policy, and regard every conquest made over even their weaker enemies, as a step taken by their more powerful adversary towards their own subjection. True, these efforts failed; true, Austria, and Prussia, and Italy, were successively overrun. But the war was kept alive—the war waged according to the principles of prospective policy—and it ended in England, after sacrificing millions, and sending out fleets and armies to save Spain—once her own enemy, but a weaker one than France—at length restoring that country to independence, and humbling, with the aid of her allies, France herself. The result of the struggle, ending in the successful invasion of the aggressor's territory, affords a still more striking proof that the balancing system retained its energy and its efficiency. Not a whisper was ever heard of partitioning that great country—not an acre of its proper territory was taken away—not a member of the confederacy against her profited at her expense, by her defeat. Twice the allies marched to Paris, and twice peace was made; restoring only the dominions which she had seized by conquest against all the rules of the Law of Nations; while neither England nor Russia gained an acre of ground, nor recovered a fraction of the money which they had paid during the war. Nor can any one reflect upon the precautions taken, both to make France restore her conquests, providing too for the compensation of those she had injured in various ways, and to make her keep the peace by the occupation of her territory, precautions taken by the two powers from whom she had taken nothing, and to whom there was no restitution or compensation due, without perceiving how entirely all this arose out of the modern system—how completely unprecedented it was in all the annals of ancient policy. France was treated by the community of nations as a wrong-doer—they exacted

justice from her for the parties she had injured—they took precautions to bind her over that she should not again offend. The results of the war, then, afford the most remarkable illustration of the Balance of Power.

If, however, the modern system has both in many cases prevented aggression, and set bounds to conquest, and so rendered wars more civilized and less productive both of misery in its progress, and of change in its results; we cannot deny that this system has likewise an opposite tendency, exceedingly to be lamented and strenuously to be struggled against;—the tendency to beget a spirit of meddling and interference; to raise quarrels upon points of frivolous etiquette; to make Statesmen, too sensitive regarding change, too apt to look farther than there is any sense in doing. The prodigious evils of war are not always sufficiently regarded—the prudence and the virtue of bearing somewhat rather than encounter them, often not duly considered. Points of false national honour are not unfrequently raised, and an exaggerated importance given to what is termed submission. The strict right to demand satisfaction is sometimes confounded with the necessity of so doing. Men are apt to do certain things against their interests, merely because they are entitled to do them. Nor can it be denied that the Balance of Power is occasionally made to furnish pretexts to ambitious or restless spirits; and we have, more than once, seen its principles appealed to by factious men, to serve the profligate purposes of a party. Against all these abuses—they are but abuses of a sound doctrine—it becomes Statesmen to stand on their guard, and the people of every country to be watchful, by which, most emphatically on questions like the present, it must always be understood, that the calmly-reflecting, the well-informed, and not the multitude are meant;—those, namely, who can safely take a part in such discussions.*

* The Date of this Dissertation is 1843.

FOREIGN RELATIONS OF GREAT BRITAIN.

THERE cannot be a greater delusion than those labour under who entertain a jealousy of this country meddling with the affairs of the Continent. Many very worthy and enlightened men,—men whose views are sound upon most other subjects,—are persuaded that such connexions lead to war. They probably might, if formed on bad principles; and they certainly would, if conducted in a meddling or encroaching spirit. But even then it would be difficult to conceive a state of things, involving us in hostilities, which would not also have existed and brought on the last of national calamities, just as much as if we had kept aloof from all concern in European affairs. War becomes inevitable to this country when the Continent is involved in hostile operations; and one state, by threatening the independence of all the rest, menaces us with the fate to which all the others will have yielded when universal empire shall be established. Our previous interposition might very possibly have rallied and combined other states in a timely opposition to the encroachments of their too powerful neighbour; or in imposing upon that neighbour the restraint of wholesome awe; but nothing which we could either do or leave undone would have the effect of exciting his ambition or of calming it, of disarming him or of making him too powerful in his own resources. These are things wholly beyond our influence in any way. Again—a quarrel may at any time break out, and accidentally lead to

war. England can never properly—that is, without the grossest blunders or the most infatuated ambition—be the principal in any such rupture; but she may often, by her timely interference, have the power of preventing it, or of making up the difference. Her position gives her, and gives her alone, this salutary influence; for she has no direct and immediate interest in these matters,—no end of her own to serve; and consequently will always be regarded with less jealousy and suspicion than any of the continental states themselves; and will thus have almost always the opportunity of assuming the mediatorial office. But it is her interest that peace should prevail; and any quarrel, how trifling soever at first,—any hostilities, however limited the sphere of their operation,—are sure to spread, and must endanger the general peace. Furthermore—by allying herself with some of the more powerful states, whose interests are like her own, or, without any such similarity, whose wish is for peace, she may compel the others to preserve the tranquillity which is the highest interest of all; and which can only be broken by the criminal ambition of individuals, or by some momentary and passing delirium coming over a nation. Lastly—the diversity of institutions in different countries, the similarity which prevails among some in religion, and in the frame of their state policy, and the opposition in which these stand to others, draws a natural line, and separates the different powers into different classes, in one or other of which England may be found. This will obviously make her views approach to those of the powers whom she resembles; and may give her an influence in preserving the general tranquillity, without exposing her to the least risk of hazarding her own insular independence, or being drawn into any mere continental quarrels.

The present state of Europe differs from any recorded in history. It is not that there has of late

years been a great convulsion in the political system, and a new distribution of power among those potentates who bear sway; for that has happened in former times; and the extraordinary events which attended the latter years of Napoleon's reign, restored things to a much nearer conformity with their position before the French Revolution, than could ever have been supposed possible, after the prodigious changes effected by the conquests of the Republic and the Empire. But the diffusion of free principles, which the Revolution and the war had occasioned, has placed the whole frame of society everywhere upon a new footing; and these principles have begun to exert an active influence upon the conduct of governments,—an influence not unconnected with the relation in which the different powers stand to each other.

The American Revolution, first in the history of our species, brought into contact and mutual action the principles of liberty and the structure of government. Nothing, or next to nothing of the kind had been experienced in the English Revolution of 1688; for although the religious feelings of the people then operated upon their conduct, and, combined with a resolution to resist arbitrary power in civil matters also, obtained, through the help of the Prince of Orange and a small body of regular foreign troops, a victory over the tyrannical and bigoted dynasty of the Stuarts, still nothing was claimed beyond the former constitution, and some few securities for its protection. The whole change was effected upon the most moderate, and indeed narrowest principles; precedent was constantly regarded, and even form cautiously adhered to. The problem which all the statesmen of the day set themselves to solve, was how the existing evil might be got rid of with smallest possible alteration, either in the frame of the government or even in the persons who were to exercise its powers. The wishes of the country were only consulted

through the appointed organs of corporations and other public bodies, heads of great families and representatives of the landed aristocracy, the magistrates in towns, and the borough proprietors; and as for the interference of the popular voice, there was in those days little necessity to exclude it, and as little reason for listening to it, because the people had not yet learnt to take any direct part in the management of their own affairs.

The Grand Rebellion, indeed, came a good deal nearer to a collision between public opinion and the Government of the country; for a strong religious feeling, widely spread and deeply rooted, was the mainspring of all the movements in the middle of the seventeenth century. Nevertheless, the Parliamentary contests which marked the reign of James I., and continued during the earlier years of his son's government, were carried on by learned lawyers, and with all the pedantry of the age. In these controversies, though important principles were involved, the people bore no share at all; and they led to the events which brought about a temporary change of dynasty, placing a military chief on the throne. For some years before this event, and during the whole of the brilliant administration of Cromwell, the power was entirely in the army's hands; and though the soldiery were actuated by the spiritual propensities of the age, and fought against Agag, under the conduct of Gideon, and in the belief that the sword of the Lord, too, was joined with his; the influence of popular opinion only bore upon the Government through the military oligarchy, and because the soldiers felt the same enthusiasm which inspired the nation at large.

The American Revolution was conducted in a very different way, as it had its origin in different principles, and was pointed towards a different end. Its purpose and objects, however, were materially changed by the course of events during its progress. For as men who have, by ill-treatment, been driven to resistance, are

generally, and very naturally, ready to take the easiest and speediest road to a redress of their grievances; on the restoration of tranquillity, and the termination of general danger and suffering, the Americans, who most certainly never contemplated separation and a republic at the beginning of the contest, would willingly have remained under the monarchical government, and its vice-regal or provincial administration, had not the infatuated obstinacy of George III., and the tame acquiescence of his Ministers and Parliament, closed the door to reconciliation, made submission hardly possible, and by degrees produced the resolution to found a popular constitution upon the ruins of the colonial empire. We must be aware, however, that all the materials for this ultimate explosion had long been collected and prepared, although those under whose control they were, so slowly and so reluctantly ventured to form a train, and then to fire it. A spirit of inquiry and independence in religious matters had caused the original emigration which founded the Northern colonies. The same free spirit had advanced and extended itself to all other matters in State as well as in Church, with the advancing improvement of the age. More newspapers were printed, and at a far lower price, in America than in any part of Europe. Political matters were more canvassed, and by a larger proportion of the community, because the society was smaller; and because, in a country where land was exceedingly cheap and labour very dear, there were neither paupers nor rabble, and every man was an important member of the State. Hence there existed in America, especially in the New England States where the Revolution began, a vast mass of free and enlightened opinions, professed by men who had early been accustomed to inquire and to think for themselves,—to form their own judgments, and be guided by their own principles. No great abuses could long keep their place in such a community; no great time could elapse

before popular feelings had free scope; no oppression could be patiently borne during any considerable period. Government more nearly resembling that of a commonwealth was the appointed lot of such a country; and the relation of provincial subjection was only its temporary condition, or transition state. Something more popular than a limited monarchy was substantially in the hearts of the people; though they might never have communed one with another saying, "Go to—this thing we will do." The days of the mother country's power, as well as of individual sovereignty, were numbered; and although the precise moment when Independence and a Republic should be proclaimed might depend upon accident, and be accelerated or retarded by the conduct of European rulers, the ultimate possession of both these benefits was decreed by the circumstances, the habits, the taste, and the character of the American nation.

Thus the world saw, for the first time, a great people proclaiming their principles, acting upon them, choosing a Government for themselves, and accomplishing the first and most natural desire of all enlightened and free-spirited men, to keep the control of their own affairs in their own hands, and never to obey the commands of a master.* But the world, also saw, for the first time, a republic formed at the fit period of the people's history, and the process begun at the right end. Ancient times had witnessed commonwealths indeed; but these were founded in rude ages, when the people, uninstructed, unimproved, had not learnt the art of self-government, or become attached to the duties which it imposes, and the forbearance which it requires. A republic is the last stage of political progress—the consummation and not the commencement of national polity—demanding far more

* Μη ποιειν κιλινομενον—as the Greeks were wont to say when they would express their rejection of what they deemed to be of all things the most intolerable.

refinement than ever the people had attained in those early ages when the accidental revolt against a tyrant called the republican principle into a forced action, and gave premature existence to the form, rather than the substance of a commonwealth—at a period when the community only knew that kings had maltreated them, and had no knowledge whatever of the republican form, nor any reason for preferring it, except that it was different from the regal. But very different was the condition of the Americans when they chose their own constitution. They were in an advanced period of society; they were fully educated; they had applied themselves to political affairs habitually for a century; they had been practised in administrative pursuits; they knew from long experience the nature and intricacy of popular institutions; above all, they lived at a period of the world when Representative government, the greatest political improvement in modern times, had been long fully understood,—had, to a great extent, been carried into practice, and had mingled its principles and its habits with all the arrangements of the state, and all the proceedings of the people. This mighty discovery alone enables any extensive country to adopt the republican structure of government; or, indeed, to establish any form of polity in which public liberty could be maintained, without partitioning the state according to the cumbrous and inefficient scheme of Federal Union,—the ancient substitute for Representation.

The effects in Europe of this great triumph, gained by free opinions in America, were speedily apparent. During the struggle, the debates in the British Senate partook of the new principles upon which political contests must now be maintained between conflicting parties; and public men, the whole race of politicians, in all their arguments, their disputes, their intrigues, their strifes, were compelled to recognize the change: for principle now became the great element in all their

movements, and party could no longer bind men together without the mask at least of principle, or create dissensions upon mere personal grounds. Before the year 1775, the political history of the eighteenth century in England had presented a spectacle of unvaried meanness, selfishness, and corruption, at once humiliating and disgusting. No more important question ever marshalled the heads of parties, than what share of the great offices of state should be apportioned to this powerful family or to that—how many members of a cabinet should belong to one connexion or to another. The debates in Parliament, except that now and then a great man rose to illuminate the dark horizon, generally partook of the same corrupt nature, and were, for the most part, lowered to the same mean level. Mere wranglings of faction, personal attacks, recriminations among factions, bandying to and fro of the same charges, with about as much reference to principle as might be conveyed by appeals to a few known topics in set phrases, the watchwords of party—as Protestant establishment—Church in danger—power of France—Popish influence—colonial supremacy—balance of trade—these formed the staple of debate, for which rising senators were trained by early study of ancient history, the classical orators and poets, the political discourses of Machiavel, the writings of Bolingbroke, and French Memoirs, or Secret History; with the knowledge of mankind to be derived from a visit to different courts of Europe under some bear-leader of the fashionable world. But no sooner had the principles of political science been brought to tell by the Americans upon the existing frame of Government, than a different struggle was maintained in our Parliament, and with other weapons. The whole foundations of Government, nay, the very basis of the social system, were freely scrutinized; the great inquiry was carried into all the arcana of political affairs; public men became known by the liberal or the servile opinions which

they professed on the great interests of the nation; and parties were now marshalled according to the diversities of public principle which distinguished their leaders. Above all, the people, as well as the statesmen in the Senate, took a part in political controversy; and the opinions which statesmen might only affect, were really entertained by the people. The example was set before their eyes of some millions of their fellow-countrymen become a nation of politicians; they saw men of all ranks in America consulted upon the course which their Government should pursue, and the form which it should take; and they saw this new people successfully resisting all the force which their common rulers could bring to bear upon their efforts to govern themselves. No man who either reads the Parliamentary debates since 1775, or reflects upon the history of our country between that period and the year 1789, could easily believe that he was perusing the annals of the same senate and the same country;—the senate in which the Walpoles, the Pultneys, the Pelhams, the Foxes, squabbled for victory—the people which took an interest, a feeble interest, certainly, but as strong as in those times they ever took, in the scrambles maintained for the profits and the patronage of the Treasury or the Horse Guards.

The progress of political improvement thus begun, or, if it ever before existed, revived from the period which preceded the Great Rebellion in the seventeenth century, was now constant and accelerated. But the prodigious change which soon after took place in France, not unconnected in its proximate causes with the American war, though prepared by more remote events, completed the ascendancy of popular principles, and established for ever the influence of public opinion upon the Government of all states whose constitution is not purely despotic. The French Revolution, the greatest event recorded in history, whether regarded in itself or in its consequences, was the result of the gradual

advances which the people had been for some ages making in knowledge and refinement; and of the influence which speculative men had acquired over public opinion in consequence of this progressive improvement; and the change, instead of being worked gradually, temperately, and peaceably, was rendered sudden, universal, and violent, by the resistance offered to the further progress of improvement, and the attempts made, both at home and abroad, to retain the people in a state of pupilage which they had outgrown. This great event, therefore, not only was calculated to produce great changes elsewhere, but to afford a salutary lesson to rulers upon the evils of such a shortsighted policy as had overthrown the dynasty of the Bourbons; and to teach the people everywhere the miseries which impatience and violence bring along with them,—their tendency to bring odium and disgrace upon the cause of Reformation.

But the French Revolution has, in every material respect, altered the whole face of political affairs in almost all parts of the world. The entire destruction of every vestige of the feudal system in France; the consequent cessation of that hereditary submission to the claims of rank, which had till then been universally yielded; the refusal any longer to esteem men on account of their descent; the low value henceforward set upon birth and station independent of personal merit, or power, or property;—these radical changes in men's opinions and feelings were not confined to the French people, among whom they began, but spread rapidly over Europe: and as there could be nothing less founded in natural reason than the arrangements of the feudal ages, and the sentiments to which they gave rise, the "New Philosophy," which set all such prejudices at defiance, and ran into an opposite extreme, found everywhere a ready acceptance with the bulk of the people; to whose understandings its appeal was made, and whose self-love it largely flattered. Even

in countries where the Government is unlimited, in the old monarchies of Germany, Italy, and the Peninsula, an instantaneous effect was produced upon the minds of men. The whole privileged orders were everywhere alarmed; the sovereigns tacitly or openly leagued themselves against the irruption of liberty which threatened their power; and the people everywhere awoke to a sense of their own importance, and of the ideal nature of those fetters by which they had principally been controlled. But this immediate consequence of the French Revolution, important though it was, did not by any means comprise its whole operation upon the institutions of society, and the fortunes of mankind. A yet more powerful effect was produced in the other lesson which it universally taught, and of which the former was but an example,—that no existing institution was sacred from inquiry; that mere establishment, or even antiquity, afforded no protection to anything which reason condemns; and that all laws, all customs, all establishments, must henceforward rest, not upon prescriptive titles, but upon their merits, when tried at the bar of public opinion, and judged by the canon of reason. The spirit of unsparing scrutiny into all institutions in Church and in State was universally diffused; and each one of these time-honoured relics of a former world had now to show its title, or suffer judgment of prostration* by default. Add to all this, the scene actually displayed in France before the eyes of the world, and which everywhere gave life and courage to popular resistance—the spectacle of twenty-four millions shaking off the trammels of their old Government,—gaining a complete victory over arbitrary power—dislodging all tyranny, temporal and spiritual, from its strongholds in the prejudices and the fears of ignorant and submissive men—and assuming the entire control of their own destinies and management of their

* The judgment by the law of England for a nuisance.

own affairs. The public mind being applied to the exposure and extirpation of abuses, would have given the people a formidable power to accomplish these salutary changes. The French example before the public eye, teaching the people their own power, would have turned their mind to exercising that power, and undertaking the work of change. But now both these things were combined; and the French Revolution everywhere begot both the spirit of untrammelled political inquiry and the force of popular opinion; and even awakened in every quarter the physical strength which always slumbers under regular Governments in ordinary times, and in the absence of local or occasional excitement.

The errors and the deplorable excesses committed after a short time, by the French leaders and their followers in Paris, and one or two other great towns, had a direct tendency of an opposite description. The reflecting part of mankind were alarmed; a dread of similar scenes being enacted elsewhere became general; and there was a reaction pretty generally produced; the people, especially men of property and personal weight in society, rallying round the existing governments, and postponing all attempts at reform until a safer time should arrive, and the multitude being disarmed, the extent of meditated changes should be more under the control of their authors. The most imprudent and unjustifiable act of the Convention in November 1792, holding out the hand of fellowship to whatever people should rebel against their rulers, further increased the odium into which France, and with France, revolutionary principles, had fallen, ever since the massacres of September and the execution of the King. A general spirit of resistance to the new doctrines and to the arms of the republicans was everywhere excited, and became the guide of all independent states. But the whole resources of France had been drawn forth by those mighty changes which had over-

thrown the old Government and established a Commonwealth upon its ruins. The Allied Princes, too, by their incredible folly, contrived to put the republicans in the right, and themselves wholly in the wrong. A nation was now in arms, first to repel unprovoked aggression; then to carry the war abroad for the purposes of conquest and revolution. The old and effete dynasties of Europe, supported by the cold zeal of mercenary troops, and defended according to obsolete rules which hampered and embarrassed every exertion, had to encounter the indomitable energy of a whole people intoxicated with newborn freedom;—exulting in newly-found strength, and fired with the lust of military glory, as well as the desire of universal change. The march of victory was scarcely ever retarded; the genius of the Napoleons succeeding to that of the Carnots, new means were found of continuing the exertions of the nation after the fervour of revolutionary zeal had cooled; the Conscription worked almost as great miracles as the Republic; and after subverting half the thrones of the Continent, a monarchy was established, which the existence of England and Russia alone prevented from being universal. All the relations of the European states with each other now became changed, and the whole system simplified. They were marshalled by one rule—according as they sided with Napoleon, held aloof from him, or opposed him. To the first class belonged those whom he had subdued, and whom he governed as he chose; to the second, the few whom he had yet to conquer; to the third, England and Russia, and perhaps their dependencies, Portugal and Turkey. America, of course, entered not into the list at all. The United States were entirely beyond the control of France, and equally free from the influence of England; and the colonial power of Spain being broken up, new and independent states were forming, which as yet had not time for settling into any fixed or definite shape. All these had to struggle

with the expiring power of the mother country, and were placed in relation rather to the naval power of England than to France, which had no means whatever of reaching them in any way.

The vaulting ambition of the great conqueror at last overshot itself. After his most arduous and perhaps most triumphant campaign, undertaken with a profusion of military resources unexampled in the annals of war, the ancient capital of the Russian empire was in his hands; yet from the refusal of the enemy to make peace, and the sterility of the vast surrounding country, the conquest was bootless to his purpose. He had collected the mightiest army that ever the world saw; from all parts of the Continent he had gathered his forces: every diversity of blood, and complexion, and tongue, and garb, and weapon, shone along his line;—"exercitus mixtus ex coluvione omnium gentium, quibus non lex, non mos, non lingua communis; alius habitus, alia vestis, alia arma, alii ritus, alia sacra"*—the resources of whole provinces moved through the kingdoms which his arms held in subjection; the artillery of whole citadels traversed the fields; the cattle on a thousand hills were made the food of the myriads whom he poured into the plains of Eastern Europe, where blood flowed in rivers, and the earth was whitened with men's bones: but this gigantic enterprise, uniformly successful, was found to have no object when it had no longer an enemy to overcome, and the conqueror in vain sued to the vanquished for peace. The conflagration of Moscow in one night began his discomfiture, which the frost of another night completed! Upon the pomp and circumstance of unnumbered warriors—their cavalry, their guns, their magazines, their equipage—descended slowly, flake by flake, the snow of a northern night;—"tantaque vis frigoris insecuta est, ut ex illâ miserabili homi-

* Liv. xxviii., 12.

num jumentorumque strage, quum se quisque attollere ac levare vellet, diu nequiret, quia torpentibus rigore nervis, vix flectere artus poterant."* The hopes of Napoleon were blighted; the retreat of his armament was cut off; and his doom sealed far more irreversibly than if the victor of a hundred fields had been overthrown in battle, and made captive with half his force. All his subsequent efforts to regain the power he had lost, never succeeded in countervailing the effects of that Russian night. The fire of his genius burnt, if possible, brighter than ever; in two campaigns his efforts were more than human, his resources more miraculous than before, his valour more worthy of the prize he played for—but all was vain; his weapon was no longer in his hand; his army was gone; and his adversaries, no more quailing under the feeling of his superior nature, had discovered him to be vincible like themselves, and grew bold in their turn, as the Mexicans gathered courage, three centuries ago, from finding that the Spaniards were subject to the accidents of mortality. But a change had been impressed both upon the French and the Germans in the course of the long and eventful wars since his accession to supreme power; and to that change the nature of the present inquiry necessarily directs our attention.

The misconduct of the French troops, in Prussia especially, had exasperated the high-spirited people, and made them anxious for revenge as soon as an opportunity should be presented. The inhabitants of the other German states—indeed those of almost all the smaller and middling ones—exposed peculiarly to French aggression, and feeling for the humiliation of their chiefs, partook of the same enthusiasm. The diffusion of knowledge had become general in a country which reckoned its colleges and schools by the hundred; its writers by the thousand; and where so

* Liv. xxi, 58.

cheap its literature, that the gains of the author are lower than the wages of many common handicrafts. The people had everywhere sympathized with these myriads of learned men in complaining of abuses and oppression at home; and had joined heartily with the republicans of France in desiring to see an end of their own exclusion from all share in the administration of affairs. But this and every other feeling was now superseded by the desire of national independence; and the disposition to resist domestic tyranny was for the moment lost in the desire of throwing off a foreign yoke, and resisting the oppression of its insolent satellites. While a powerful national feeling was thus almost universal in Germany, a corresponding depression of popular spirit in France had been caused by the discouragement of all free institutions, and the length of an exhausting warfare; nor could the gratification of national vanity, that love of glory so peculiarly the characteristic of the nation, maintain its ground against the sufferings with which the merciless conscription scourged all ranks of the people. Hence there was no renewal in Napoleon's favour of the national exertions which, in former times, had risen in proportion to the perils that menaced the country; had first repelled the invading powers in an unequal conflict; and then borne the tri-coloured banner of the republic across the Rhine till it floated over the citadels of the allied monarchs. The military tyrant had only the resources of his own genius, and of a defeated and diminished army upon which to rely; with the public feeling of Germany against him, and no help from the enthusiasm of the French people. He was defeated—deserted—dethroned—exiled—confined. The Bourbon dynasty was restored. Their folly in conciliating no Royalists, and exasperating all Republicans, gave the Imperialists an occasion of once more setting up Napoleon. Again he appealed to the nation, when the Allies flew to arms; and again the spirit of Frenchmen

was found to be dead. He professed the principles of freedom and peace in vain; he was once more overthrown in the field; and his restored sceptre having its root no deeper than in the troops that surrounded his person, the hearts of the people remained unmoved. He was expelled, banished, imprisoned; and his dynasty for ever destroyed.* The former arrange-

* An Epigram (Epitaph) written on Napoleon by Mr. Justice Williams is worthy of the classical scholar's attention—it is now made public.

"Τολμαν Αλεξανδρου και αρηία Καισαρος εργα
Μαυρωσας, νικην αρματ' εφαψαμενος·
Τηδε Νεαπολεων αφιλος τ'αταφοστι επι πετρᾳ
Κειμαι αμοβαιην αρνυμενος νεμεσιν·
Σωμα μεν ουν, δαμασασθε γαρ, ὑβριζεσθε τυραννοι
Νηπιοι· ἡμετερος δ'αιετος αθανατος·
Ουδεν εμοι τυμβου· θες δ'ω ξειν'αντι ταφοιο
'Εσπεριην, Ιστρον, Πυραμιδας, Σκυθιην."

The learned reader will recognize here some faint resemblance (in the concluding lines) to the exquisite inscription on Themistocles in the Greek Anthology—

"Αντι ταφου λιτοιο, θες, 'Ελλαδα," &c.

The genius of Napoleon was allowed by all military observers to have shone brighter in the campaign in France in the winter 1813-14, with one army opposed to two, than at any other part of his wondrous career. His political courage was as felicitously shown by the march from Elba to Paris. His military talents and political combined were never more conspicuous than in the boldly devised movement by which he reduced the many chances against him to an even one at Waterloo. But little do the world at large know the extent of the dread with which Napoleon, even when vanquished, awed his combined antagonists. After his Russian disasters, when Murat had joined the Allies as well as Bernadotte, he was offered and he refused peace at Prague, the only concession required being the independence of the Rhenish confederacy. After the battle of Leipsic he refused peace at Frankfort. After the restoration of Holland, and with the Allied armies in the middle of France on the one hand, and the English advancing from the Pyrenees on the other, still the terror of his name prevailed; the dread of advancing among the French people smote the hearts of their conquerors; even the heart of Bernadotte, who best knew him and them, sunk within him; all seemed unmanned, and at Chatillon all—the representatives of England included—were desirous of again making a peace which should fix Napoleon upon his throne. Of this the reader may be sure; and if much is due of Europe's escape in those times, to the vigour and energy of some few able counsellors, perhaps more is owing to the inextinguishable ambition of Napoleon himself, his sanguine temper, and his untameable pride.

ments of territory were re-established, and with a few trifling exceptions Europe was again parcelled out as of old.

The Germanic people had been induced to take an important part in the contests of 1812, 1813, and 1814, and were prepared to pursue the same course in 1815, if a reverse at Waterloo should render further struggles necessary; not more by their indignation against the conduct of the French troops, and the love of national independence, always characteristic of the Teutonic nations, than by the appeals which their rulers made to them, and their lavish promises of constitutional government, should the conflict prove successful to which they were thus invited, and the French yoke and influence be shaken off. Success *did* attend the conflict; there was end of the French yoke and influence; but the Germans soon discovered the shortness of royal memories, and looked in vain for reforms and constitutions. Popular enthusiasm, and patriotic feeling had served the turn of the Court, and restored to each prince his lost dominions. That these should be better governed than before was no part of the regal plan; and that they might be subject to the same arbitrary power as before, the public spirit which had been awakened and had brought about the restoration must be laid asleep as speedily as possible!

But all this proved not to be so easy as it was desirable. The fear of a foreign yoke being at an end, the cumbrousness of a domestic one was felt the more vexatious. Threats and prosecutions could no longer bridle the spirit which had been slowly gathering, and had burst forth in such force during the late struggle with France; nor could the national voice be stifled when it vented complaints and remonstrances which the people had a right to urge; and which nothing but the ingratitude and broken faith of their rulers could disregard for an hour. Hence some few immunities were partially obtained; some good measures, connected

with education, adopted; some restraints even upon the prerogative imposed; and in some of the middling states, as Bavaria, Saxony, and Wurtemberg, constitutions were established upon a form approaching nearly to popular government. If something was obtained, far more was desired; and the free spirit which had become generally prevalent during the war, instead of languishing, gained new strength during the peace; when no alarm from without could be used by the courtly authorities to repress it, and when each step made towards liberty both increased the wish for it, and augmented the means of attaining it.

Such was the state of Germany prior to the important events of 1830. In Italy the struggle had been carried on between liberty and power, more openly, on less equal terms, and with far worse success. The Neapolitans, by a sudden, unprepared, and ill-concerted movement, had overthrown their arbitrary government; but without displacing the branch of the Bourbon dynasty which filled the throne of the Two Sicilies. A representative government was established; and by the testimony of no less experienced and Conservative an authority than the late Lord Colchester, then residing at Naples, it appears that nothing could be more regular and satisfactory than the manner in which the Parliamentary business under the new constitution was carried on. Austria, however, immediately took the alarm—apprehensive of the contagion spreading towards the north, and reaching her dominions in Tuscany, Lombardy, and Venice. The other members of that Holy Alliance to which she belonged, made common cause with her; and under the pretence that change of internal constitutions would lead to change of dominion; in other words, that the Italians after they had gained domestic liberty would next throw off the hated foreign yoke, and expel the Austrian power from their noble country—proclaimed the territorial arrangements of 1815 in danger, and the Neapolitan

constitution an usurpation—upon the false and empty ground that it had been established by a military force; although they had never objected to Ferdinand VII. overturning the popular Government of Spain by the self-same means. Wherefore, to undo what the soldiery had done, Austrian troops, under the authority of the Holy Allies, were marched into Naples, and the old abominable constitution was re-established. The spirit of freedom, however, which this invasion had stifled, was not extinguished; nor did the cruel punishments inflicted by Austria upon the illustrious patriots of the Milanese, either reconcile the Italians, or foreign nations, to that odious dominion which, in defiance of the people's unanimous desire, and in galling opposition to all their most rooted prepossessions and tastes, she exercised over the finest portion of the Italian Peninsula. The desire of liberty at home is in all parts of that country intimately blended with the love of national independence; and the small extent of the states into which it is divided, and their mutual jealousies, has hitherto alone prevented a successful resistance, and maintained the Austrian and the Bourbon power.

In Spain, events of a similar description had taken place. The Spaniards had, by a sudden movement, restored the representative Government of the Cortes; when the Holy Allies once more took umbrage, though with even less pretext for interference than ever; and France, in concert with them marching a large force across the Pyrenees, speedily overthrew the new constitution, and restored Ferdinand to absolute power. In Portugal things had suffered no violent change; the dominion of the Braganzas was preserved entire; but Don Pedro, who had been established as Emperor of Brazil, voluntarily gave a free constitution to his European dominions, and resigned their sceptre to his daughter, the present Queen.

In the meantime, the infatuation of the restored family in France was preparing an event, only second

in importance to the mighty Revolution of which, forty years before, that great country had been the scene. Untaught by experience; insensible to the warnings everywhere held out; impenetrable to any suggestions of prudence, or of caution, or of natural fear—callous, as it were, even to the impressions made upon all animal nature by the instinct which tends to self-preservation—the family of Charles X. gave itself up to the councils of weak men; in whose congenial bigotry they found a solace, and from whose constitutional feebleness, whether of understanding or of will, the wayward caprices of their pampered nature met with no manly resistance. Blind to all that was going on around them, deaf to all the lessons of wisdom, and oblivious of all their own past history, they deemed the time now come for absolute government; when the universal determination of the country was to obtain an enlargement of popular rights, and to impose new and effectual restraints upon the royal power. Partaking in the judicial blindness of the Court, the clergy impatient of a titheless and stipendiary lot, and looking back to the former history of their order, indulged the hope of once more seeing their hierarchy resume its pristine and palmy state. The ousted and impoverished owners of ancient domains, who had abode in the feudal faith through the changeful times of the Revolution, saw pleasing visions of havoc made among all new titles; and a restoration of their castles, and their forests, and their seignories, as if the Assembly and the Convention had never been. The aristocratic circles of Paris, the coteries and the salons, the haunts of the effeminate of either sex—that *gynocracy* which exercises so large an influence over society and over politics among our neighbours—saw, or thought they saw the dawn of a better day; or rather the restoration of that old and elegant ease in which the time of polished minds was wont to glide away, with no patriotic storms to ruffle the serenity of their atmosphere

—no rude moralist's hand to tear aside the curtain that veils all the endearing and elegant immoralities of patrician life—no prying, impudent, vulgar press to disturb the noiseless tenor of their way. An appeal had also been made to the nation at large; and a successful expedition was thrown out as an alluring object to a people rapacious of military glory.—But all would not do. No boon could be received from the hands of Charles, and his Polignacs, and his Jesuits; nor was the insult to their common sense, and indeed to that of every rational community, overlooked when that poor bigot made some of his veteran marshals carry tapers at the processions in which he and his children officiated like princes of the twelfth century, to the scorn of all ranks in his capital. Thus, with the whole country against him, the priests and heads of an impoverished and despised nobility alone his friends, a few unprincipled military chiefs his tools, the army generally feeling with the people—this infatuated bigot tried to crush the liberties of the state, and was crushed, with his family, in the very outset of the conflict. The people resisted his guards with unparalleled gallantry; the rest of his troops left him to his fate; and a new dynasty was raised to the throne of a new and a free constitution. The Revolution in France, where the people acted on the defensive only, and resisted an attempt at changing their form of Government, was soon followed by one of another description in Belgium; where the people rose against the Dutch family, expelled them, gave the crown to another, and established a free constitution upon the plan of the English and the French Governments.

But the important scenes which had been enacted in France, extended their influence far more widely than to Belgium,—a neighbouring state, in close intercourse with the French provinces, and connected with its Government by so many years of incorporation during the war. A free constitution had been erected, upon

principles even more liberal towards the people than that of England itself. The French citizens had been formally embodied, and not only armed by public authority, but invested with the power of choosing their officers; hereditary peerages had been abolished; and the Government in its forms, and titles, and dates, as well as in substance and effect, was the child and creature of a Revolution. By no possibility could this great change have taken place, and this revolutionary constitution been established, without creating at once much alarm to the "legitimate dynasties," as they were termed, in the other countries of Europe—exciting sanguine hopes of improvement among the people everywhere—and forwarding by many years the progress of free institutions. The great cause of representative government had in three days made a more rapid progress than it had done in the century which preceded 1789; and the strength and stability of arbitrary constitutions had in the same proportion declined. That such was the universal feeling upon the subject, soon became apparent, from the movements everywhere made among the popular bodies in all countries but those where the Government is despotic; from the storms which seemed gathering even in those countries themselves; and from the line of conduct pursued by the courts of arbitrary princes. In England, a general election was near its close when the intelligence arrived of the French Revolution. It immediately formed the topic most interesting to all public meetings; and had it been known a few weeks earlier, the result of the election would have proved still more propitious than it did to public liberty. In Spain and Portugal movements were presently attempted, which, in the course of a year or two, led to the establishment of popular government upon the most ample and liberal scale. The great measure of Parliamentary Reform itself, in England, was not uninfluenced by an event which seemed calculated to accelerate every improvement in

the condition of the people, and augment every accession to their strength. They were animated with the hopes of obtaining further changes in their government, and being allowed a greater share in its powers, by the spectacle almost before their eyes, of the ample privileges now acquired by their enlightened neighbours across the Channel. The English people, indeed, were naturally more influenced by these feelings than any other; because they had fewer restraints upon their free discussion of abuses, and their exertions to reform them. But everywhere an effect was produced. From France a sound had gone forth, which was like the trumpet to rouse the misgoverned many, and like the knell of death to the hopes of the misruling few. Thus, while joy and hope spread through the people in all lands, anxiety, jealousy, alarm smote the heads of the ancient dynasties, and set them upon schemes of preparation against the coming storm. Some, as Russia, even refused for a while to acknowledge the new dynasty of France; because its title was derived from the people's choice, against an exploded hereditary right. Others coldly maintained the relations of peace and amity with the King of the French. The exiled family—exiled for crimes, and against whom the blood of their subjects massacred in the attempt to grasp despotic power, cried aloud for vengeance—found not only an asylum but comfort and respect, first in England,* and then in Austria. The Ambassadors of the European powers might be in Paris, but their hearts were in Saltzburgh or at Prague.

Meanwhile, the arrangement made for the affairs of Belgium, after a year spent in negotiation and conferences innumerable, and protocols by the cart-load, was peremptorily rejected by the Dutch Government; in the hope that something might happen to bring on

* Charles X. was received in England, and allowed to pass without payment of customs; but, unable or unwilling to pay a debt demanded, he took sanctuary in Holyrood House.

a general war, through which, aided by Russia, it expected to regain the possession of the Flemish provinces erected into a new monarchy. This resistance went to the length of hostilities; France had to assist the Belgians, with whose sovereign she had formed a family alliance; it required first an army in the field, then a regular siege of the principal seaport and citadel, to drive the troops of Holland from the Belgian territory; and even now (1839), the dispute between the parties is still unsettled;—the new Government never having yet been acknowledged by the singularly obstinate Dutch King;—a Prince served by men as pertinacious as himself; for his commanders in the campaign of 1831 actually fired their guns against a defenceless town, after they had been formally acquainted with the fact of an armistice being concluded by their government!

These events, from their dawn in the American war, to their consummation in the two revolutions of France, have at length distributed the powers of Europe into two great classes; divided from each other by principles far more deeply-rooted, by a line of demarcation far more broad and profound, than any of those accidental circumstances which of old used to separate or combine them. It is no longer a family alliance founded on marriage, or a connexion cemented by such personal ties, that knits the different powers together; it is no longer the intrigue of one court overreaching another, and gaining it over to partake in some project of ambition, that lays the foundation of a politic union. It is no longer the accidental qualities of some individual like Peter III. or his son Paul, or the whimsies of a Joseph II. or an Alexander, or the bad repute in which a Constantine may be holden, that can regulate the movements of European policy, and divide some powers from the rest; consolidating the friendship of one class, and exciting the jealousy or enmity of another. Even that ancient ground of amity or

hostility, the proximity of one powerful state, and the remoteness of another which makes it safely trusted, although it will always have some weight in the nature of things, and may occasionally suggest measures of paramount importance, has lost great part of its influence in governing the course of international policy. The friendship and co-operation of states may now be said to rest upon a broader basis; and to be guided by views more enlightened and more favourable to peace, as well foreign as domestic; the great end and aim of our political being. In the centre of Western Europe there now exists a vast empire of freemen, governed by popular institutions, and whose affairs are intrusted, in a great measure, to the hands of the people themselves. We are well aware that this is rather what will soon be the condition of France than what already has been established; the elective franchise requiring much further extension. Nevertheless, the people are armed; they are to a certain degree represented; aristocracy is weakened; oligarchy destroyed; and no sovereign can either govern arbitrarily, or set himself above the law, or rule against the public opinion, or long refuse the further improvements which are still required. This empire of freemen, to the number of thirty millions, cherishes a constant sympathy with liberty, wherever suffering, and enmity towards oppression, wherever practised. England is in the same circumstances; and these two great powers are naturally friends and allies from similarity of constitution, unity of interests, and a position which enables them to maintain the peace of the world, as it enables them to defy the world in arms. Both, then, are naturally prone to favour and to co-operate with all other countries living under a free government. To this happy description belong both Holland and Belgium; the latter now and without dispute; the former as soon as the national jealousy fomented by the Court shall have been laid to rest, by forgetting the separa-

tion of Belgium and the war of 1831. Belgium, indeed, has an evident interest in leaning towards France and England, independent of her similarity of constitution; for she is too weak to withstand the powerful neighbours which surround her on the east; and these are always sure to regard with an evil eye a popular form of Government, which as yet they have not given to their subjects. From Holland she has nothing to fear, now that her forces are placed upon so respectable a footing; but as Prussia must desire her downfall, as Austria cannot be averse to it, and as Russia would encourage any such attempts if she dared, the only security of Belgium is in the preservation of the continental peace; the virtual protection of France and England; the continuance of their good understanding, and their resolution, no less politic than just, to resist all attempts of arbitrary monarchs against the independence of their neighbours and the liberties of mankind.

Bavaria and Wurtemberg are both placed under constitutional Governments; although far from being as freely constituted as those of the states of which we have been speaking. Nevertheless, it is impossible to doubt that their interests and their feelings must all point towards a good understanding with France and England; and must lead them to resist, not only all encroachments from the north, but all attempts to interfere with the internal policy of any nation whatever. Suppose, for example, that any such outrage were once more attempted upon the feelings and the liberties of mankind, as the Holy Allies offered to both in 1821 and 1823, it would be a most short-sighted policy in the Court of Munich to take no umbrage at this, or to conceive no apprehension for its own independence, however distant from Bavaria the scene of the operation might be laid; because its own turn would be sure to come before a long time elapsed after the success of such an enterprise. If, indeed, from

private motives, the Court should fail to take the alarm, the suspicions of the country could not fail to be aroused by this *laches*, indicating as it would, a hostile disposition towards the liberties of the people, and a lurking design to retract the meagre portion of constitutional rights already bestowed upon them, instead of extending its amount according to the people's ardent wishes. But the position of this third-rate power, exposed to the body of both the Austrian and Prussian monarchies, will never allow a prominent part to be borne by the Bavarian Government in any struggle. The importance of its good dispositions towards the constitutional cause, is derived from the part which it might be enabled to play in the case of any reverses,—such as happened to France under Napoleon; or in any other circumstances of an equally trimmed balance between the free governments of the West, and the arbitrary powers of the North and the East of Europe. In such a critical juncture, it may safely be affirmed, that in proportion as the public voice is heard in countries circumstanced as Bavaria and Wurtemberg are, will the conduct of these states be regulated by a disposition hostile to the arbitrary, and friendly to the constitutional monarchs engaged in the conflict; while their influence in peace, whatever it may be, will always incline to the same side.

The two nations of the Spanish peninsula are clearly ranged on the side of the constitutional powers. They have both obtained free and popular governments, and the resistance both of the servile party at home, and of its allies, the arbitrary sovereigns of the north, to the liberties thus acquired, secures the adhesion both of Portugal and Spain to the liberal cause; that is, to the side of England and France. It must, however, be observed, that when we thus speak of those two monarchies, and especially of Spain, we are assuming that the party at present dominant in each shall ultimately prevail; and in both there is a great division of opinion.

To the crown of both there is a pretender, patronizing the worst principles of despotism; affecting absolute power in his own person; and backed by the priests, the rabble, and the effete aristocracy of the country. Even in Portugal, where the great capacity, the strong perseverance, and the extraordinary gallantry of Don Pedro,—after maintaining a protracted contest, with various successes, often in all but hopeless fortune, against the usurper Miguel, a tyrant, a coward, a murderer,—finally reconquered his crown for his daughter, there still exists a considerable party of absolutists; and among the liberals a division of sentiment that may at any moment shake the Government to its centre. Nor can a firm reliance be placed at any time on constitutions the handiwork of an armed force,—the unripe fruit of revolutions which the soldiery have suddenly brought about, and may as swiftly counteract.

This observation, the result of all experience, and the just deduction from all sound political principle, applies with still greater force to the actual condition of the Spanish Government. The aspect of its affairs is, indeed, truly lamentable. A civil war of seemingly endless endurance harasses the Government, wastes the northern provinces, and distracts the people. An exhausted treasury, even if the Government were endued with any natural strength, must keep it utterly feeble and inefficient. Partly from want of money, partly from the divisions in the nation, partly from the listless languor naturally consequent upon a long-protracted struggle, in which the people have done nothing but patiently endure conquest and misery in all their forms, no power exists of making the very slender efforts which, to all appearance, would be capable of driving the pretender from the country, and terminating the war. Then nothing can be more revolting to the feelings of all mankind than the barbarities which mark the conduct of both parties in this civil strife. Every resource of savage warfare is remorselessly em-

ployed, and every form of inhuman cruelty displayed, to rouse the hatred and disgust of mankind, and make all bystanders nearly indifferent which party shall conquer. So that it requires an effort of our principles to control our feelings, and make us wish well even to the side whose success will further the cause of constitutional liberty, when we find that sacred name made the cover for crimes as black as those which pollute more congenially the track of the tyrant usurper. Nevertheless, it cannot be doubted that any such reverse as should overthrow the Spanish Queen's Government, and place the servile party in power, would be most inauspicious to the security of the constitutional cause in Europe. A body of intriguing, reckless, bigoted Carlists upon the southern frontier of France, would at all times be a rallying point for the disaffected in that country; and a kind of encouragement would be afforded to the absolute party among the Cabinets of the North, extremely unfavourable to the progress of free institutions; possibly tending even to foster those longings after foreign interference, for some time nearly dead, and to rekindle the expiring embers of that Holy Alliance, which the Revolution of 1830 had seemed almost to have extinguished for ever.

The policy of France is, in these circumstances, more than questionable. Of the deliberate opinions formed and steadily held by a prince so eminently able and politic as the King of the French,—whose views are so enlarged, whose experience of men has been so ample, whose knowledge of the Spanish people is only surpassed by his intimate and intuitive acquaintance with the nation over which he rules,—it certainly becomes us to speak with profound respect. Nor should we hazard any dissent from such high authority, were we quite satisfied that his Majesty's views are wholly uninfluenced by some lurking unwillingness to offend the Powers whom he has sometimes been disposed to court, at least by acquiescence and neutrality, if not with occa-

sional compliances. The King is persuaded that were he to interfere in the Spanish contest, no sooner would a French force march across the Pyrenees than the ancient national antipathy would revive; and all parties unite in resisting the side taken by the intervening army. In this belief he is supported by the great captains who have served in Spain, and particularly by Marshal Soult. But we are convinced that these opinions all belong to a former period of the contest;—the period from which the experience of those high military authorities has been derived; and that the view taken by M. Thiers and his supporters is the more just one, and the more adapted to the existing circumstances of the country. The Spaniards, as a nation, according to these politicians, will neither unite to help nor to oppose an intervening force. They are quite exhausted; they are weary of the contest; they will prove altogether sluggish and indifferent; and the conflict may be ended by a moderate exertion applied to back one of two very feeble antagonists. It should seem that the whole events of the last three years strongly confirm this view of the subject; but it appears to be demonstratively proved by the extraordinary and romantic march of the chief who last winter traversed Spain in every direction; met with no resistance anywhere (while the regular troops of the Government were always following him a day's march in the rear), collected as much booty in each place as he chose to take, or had the means of carrying away; and returned in perfect safety to the country north of the Ebro, as little harassed in his dangerous retreat as he had been in his seemingly desperate advance. This small band moved through the "invincible Spanish nation"—the "heroes of Castile"—the "tribes never to be subdued on their own ground"—as through an unresisting medium. But it is equally certain that the people, wholly inert to resist their progress, were as inert to be moved by it in any way, and resumed their former attitude

after the handful of marauders had passed; as an unresisting medium closes after the transit of the missile that cuts a path through it. Can there be any reasonable doubt that such a people would endure the interference of even a French army, as patiently, as passively, as they bore the impression of the Carlist force, moving through the provinces most attached to the constitution; nay, as they bore the movements of the Bourbon army on the servile side in 1823,—the story of which seems to be wholly forgotten, by those who regard with such apprehension the effects of French intervention, on the liberal side, at the present day? The policy in which the French Court perseveres appears, for these reasons, to be justified by no sound view of the facts; and its consequences to the liberal cause in Europe, as well as in Spain, are undeniably most injurious.

The same arguments do not at all apply to the policy of England. We should not be justified in taking a direct share of the war. Some doubt may even be entertained whether we are justified in going so far as we have done, by furnishing arms and ammunition, by lending naval assistance, and by encouraging our people to serve in the Spanish Queen's ranks. Our concern in the Spanish civil war is remote and indirect. It is only in proportion to the bearing of that contest upon the affairs of Portugal, long a kind of dependence upon this country; and, accordingly, the treaty of Quadruple Alliance expressly specifies the danger of the Portuguese Government from the disputed succession in Spain as the ground of interference; and states the object of that interposition to be the removal of the Portuguese Pretender from Spain, and preventing the Spanish Pretender from aiding the Portuguese. All that we agreed to do by the treaty was to furnish naval assistance, if needful; and a late attempt made to countenance this as an obligation to blockade the Spanish coast, and forbid the access of neutrals to Don Carlos,

was at once disclaimed by the Government. The dangers to which France is exposed, under her constitutional Government, from a Carlist usurper triumphing in Spain over the constitutional party,—nay, the risks her domestic tranquillity runs from the existence of a protracted civil war, on political grounds, upon that frontier where she is most defenceless against foreign attack, and in the vicinity of the provinces most distracted by a party hostile to the existing dynasty and established constitution,—afford a ground for interfering to terminate a state of anarchy perilous to her if it continues, and fraught with yet greater danger to her security if it ends in the establishment of the usurper.*

The States of America, in some sort, enter into the European system. Their origin is European. They all have been portions of the dominion of European powers till very lately. Our intercourse with them by commerce, by residence, by interchange of lights, is constant; and by the discoveries of science and the consequent improvements in art, our communication becoming daily more easy and more swift, their distance is really less than that of many European countries from each other. We have seen how large a share the United States had in producing those changes in the Old Hemisphere which have so altered its political aspect, and created a new principle to regulate the mutual relations of its parts. Through the storms which shook the continent of Europe during the French Revolution, the firmness and the virtue of Washington kept his country safe in an honourable and respected neutrality. If profound sagacity, unshaken steadiness of purpose, the entire subjugation of

* The acts of individuals taking part on either side of this conflict, have often been justly reprobated. Indeed, in *any foreign* war, the lawfulness of this interference seems abundantly questionable. What say the Articles of the Church of England? They pronounce taking arms lawful to Christian men, "by command of the civil magistrate."

all the passions which carry havoc through ordinary minds, and oftentimes lay waste the fairest prospects of greatness,—nay, the discipline of those feelings which are wont to lull or to seduce genius, and to mar and to cloud over the aspect of virtue herself,—joined with, or rather leading to the most absolute self-denial, the most habitual and exclusive devotion to principle,—if these things can constitute a great character, without either quickness of apprehension, or resources of information, or inventive powers, or any brilliant quality that might dazzle the vulgar,—then surely Washington was the greatest man that ever lived in this world uninspired by Divine wisdom, and unsustained by supernatural virtue. Nor could the human fancy create a combination of qualities, even to the very wants and defects of the subject, more perfectly fitted for the scenes in which it was his lot to bear the chief part; whether we regard the war which he conducted, the political constitution over which he afterwards presided, or the tempestuous times through which he had finally to guide the bark himself had launched. Averse as his pure mind and temperate disposition naturally was from the atrocities of the French Revolution, he yet never leant against the cause of liberty, but clung to it even when deformed by the excesses of its savage votaries. Towards France, while he reprobated her aggressions upon other states, and bravely resisted her pretensions to control his own, he yet never ceased to feel the gratitude which her aid to the American cause had planted eternally in every American bosom; and for the freedom of a nation which had followed the noble example of his countrymen in breaking the chains of a thousand years, he united with those countrymen, in cherishing a natural sympathy and regard. To England, whom he had only known as a tyrant, he never, even in the worst times of French turbulence at home, and injury to foreign states, could unbend from the attitude of distrust and defiance into which the

conduct of her sovereign and his Parliament, not unsupported by her people, had forced him, and in which the war had left him. Nor was there ever among all the complacent self-delusions with which the fond conceits of the national vanity are apt to intoxicate us, one more utterly fantastical than the notion wherewith the politicians of the Pitt school were wont to flatter themselves, and beguile their followers,—that simply because the Great American would not yield either to the bravadoes of the republican envoy, or to the fierce democracy of Jefferson, he therefore had become weary of republics and a friend to monarchy and to England. In truth, his devotion to liberty, and his intimate persuasion that it can only be enjoyed under the republican form, constantly gained strength to the end of his truly glorious life; and his steady resolution to hold the balance even between contending extremes at home, as well as to repel any advance from abroad incompatible with perfect independence, was not more dictated by the natural justice of his disposition, and the habitual sobriety of his views, than it sprang from a profound conviction, that a commonwealth is most effectually served by the commanding prudence which checks all excesses, and guarantees it against the peril which chiefly besets popular governments.

So great a sway had the integrity of his noble character over all his feelings, that, had he been spared for a few years longer, the tyranny and the wars of Napoleon would have inclined him towards England as the refuge of freedom and the stay of national independence; nor can there be any doubt at all, that in the present day his policy would have ranged him on the side of the French and English alliance inclining against despotic government, and favouring liberty and peace. On that side will his countrymen ever be found; and though they will always pursue the wise course which he chalked out, of never interfering in the quarrels of Europe, yet, as far as countenance and

national sympathy go, those who in the Old World are maintaining the battle "which often lost is ever won," in the sacred cause of human rights, will still find the freemen of the New their most hearty allies.

Some apprehensions have been entertained by the friends of liberty, and of democratic government, lest the American Union should fall to pieces. The two risks to which it is exposed are its size becoming unwieldy, from vast extent and thick population, and the diversities between the Southern and the other States, more especially in regard to the admixture of the coloured race. It would, however, be extremely rash to think of setting bounds to the powers of the representative principle, especially when united with the federal, if no very manifest opposition of interests were interposed. The statesmen of ancient Greece could no more have believed in the possibility of a republic extending over sixteen degrees of latitude, and numbering twelve millions of subjects—they who with extreme difficulty could govern a commonwealth of one city and twenty thousand free inhabitants—than they could have believed in the voyage of Columbus, or the steam-navigation and steam-travelling of the present day—no more than we now can believe in a republican or any other empire holding together when its people shall amount to fourscore millions—no more than those who went before us could, and did believe, that the American Government could subsist when its subjects should increase to their present numbers. Yet it seems just as easy to conduct the federal representative government now, as when it had only two or three millions of subjects. Therefore, the mere increase of numbers and extension of territory are not of themselves sufficient to make the split necessary; although these circumstances may very possibly give rise to important modifications in its political structure.

But the great question of negro slavery presents a more formidable risk to the eye of the attentive

observer. There certainly exists a material difference, not only of opinion, but of feeling, and feeling of a very strong kind, in one of the parties, upon this important subject. The northern and middle States, which have scarcely any slaves, are friendly to emancipation. The principle of the federal constitution requires a certain majority in the Congress, before the state of slavery can be affected by any legislative provision. Should that majority be obtained, the southern States threaten, it is said, to fall off from the Union. Now, assuredly, the inhabitants of the South do feel, and must naturally feel, in a very different way, upon the question, from those of the other States, who only hear of slaves and slavery at a distance, and do not live surrounded by thousands of another colour, blood, and character, in whose power they unavoidably would be, were there any possibility of combination among them against their masters; and there can, therefore, be no doubt that much violence will be shown in discussing a subject which must naturally excite so deep and universal an interest. But, in the first place, we place our unabated confidence in the powers of discussion and the energy of truth, to force its way through all obstructions, and overpower all resistance. The Americans must perceive, that the great experiment of complete and instantaneous emancipation made in Antigua, where the coloured race were the great majority, and the territory was much more confined, has been attended with no risk whatever; nay, that the negroes have acted more prudently and peacefully since they obtained their freedom than they ever had done while in bondage. They must also perceive, that the refusal to follow, not our example, but that of our planters, whose circumstances are the same with their own, will not at all lessen the danger of their position; nay, that unless all the discourses of England, and all the events of the West Indies, could be kept from the knowledge of the Virginian slave, he is a far safer

inmate of society in freedom than in chains. Finally, they must be aware that the delay of the measure is only an aggravation of the mischief; and that as the numbers of the coloured race increase, so must the danger of the white inhabitants. That all these reasons will find acceptance sooner or later with our American kinsmen, and the sooner, if unaccompanied with the unthinking and the unseemly abuse lavished upon the Southern men by those whom it costs nothing to profess free opinions—who are fond of exercising a cheap virtue and displaying a vicarious contempt of the dangers they would have other men encounter—we firmly and confidently believe; however inauspicious the aspect may be which the controversy at present wears.

But, secondly, we believe, that should emancipation be even forced upon the Southern States, there is not any very great hazard to the continuance of the Union; and that, as happened with the ominous threats made on the Embargo and Importation questions, when the menace is disregarded, having spent its force and served, or rather failed to serve its turn, it will be forgotten. For suppose those States should separate because of the vote hostile to slavery; and separate with the purpose of maintaining this abominable *status*, what hope can they have of accomplishing this end? Surely it will be far more difficult to refuse the negro his liberty, after not only England has declared him free in the Islands, but North and Central America shall also have joined in the same righteous and politic measures. Nor can it be doubted, that whatever risks the Southern men may run from either granting or withholding emancipation, those risks will be prodigiously increased by the separation; which leaves them to themselves, and withdraws the countenance, the comfort, and the actual help, of so many States where there are none but whites, their natural allies, against any insurrection of the coloured race. We should really as soon expect the Protestants of Ireland

to repeal the Union, and then complete their folly by throwing off all connexion with Great Britain, in revenge for the emancipation of the Catholics—as entertain any very serious fears of the Virginians and Carolinians separating from the men of New York and New England, with a view of better enabling themselves to make head against their sable fellow-citizens. If men acted as suddenly as they speak, adopted plans as swiftly as they uttered threats, and carried into instantaneous execution all the resolutions of the moment, there would be no small risk of such a calamity. The course of human action is, happily, far otherwise arranged; and our fears of the catastrophe happening are, consequently, inconsiderable.

We have in these remarks spoken with unfeigned repugnance of the bare chance of such an event as a separation in the American Union; we have treated this, were it to happen, as a great calamity: and we mean a calamity to the world no less than to America herself. The interests of freedom must suffer incalculably from such a disaster; but the interests of peace itself will also be endangered. There can be no better security for its preservation than a federal union of all the provinces among which the territories of the North American continent are distributed; and the erection of separate independent states, even under the republican form of government, would certainly be attended with risk of hostilities.

On the northern frontier, however, of the United States, we can easily foresee some prospect of change. That Canada should sooner or later become an independent state, and in all probability unite with the great American confederacy, seems possible. The late events in that province have no doubt augmented the likelihood of such an end to our remaining colonial empire. Into this question we are extremely unwilling to enter, on account of the angry and, we trust, the ephemeral disputes to which it has given rise, dividing for

a time the friends of liberty in this country. But one error we must mark, because it pervaded the reasoning of those who affected to treat the argument upon more enlarged views, and is one of the merest delusions imaginable. They spoke of forming a great North American empire, or kind of Colonial Federacy, of which the end and object should be to act as a balance to what they justly called the Colossal and rapidly increasing power of the United States. Now, of what use is it to us, or to any one, that the colossal States should be balanced, unless because we have some fears of their extensive power? And what dread can we have of this power unless we have colonies to be attacked? There, therefore, cannot be any use whatever in balancing the United States, if we have no "Northern Colonial Federacy;" so that the only conceivable use of this balancing federacy is to protect itself; unless, indeed, we listen to the fears of those who dread an American *naval* ascendancy. In colonial possessions, there may be some advantage; much benefit there certainly is from such settlements at an early stage of the industry, and especially of the trade of any country; and these advantages do not cease with colonial dependence, but are often even more valuable after the political connexion has been severed. But for the purposes of political power—as an element in our foreign policy—nothing can be more obvious than the indifference of those North American colonies either way; because from the United States we never can have any apprehension whatever, even if their natural policy were not to side with France and with us; and the only point of our system in which we can be exposed to their force or their influence, is the very spot in question. So that the error alluded to is really an instance of reasoning in a circle.

The vast and fertile regions of South America remain to be mentioned. Since the breaking up of the splendid colonial empire of Spain, the state of the independent

commonwealths which arose out of it has been uncertain, and their fortunes various. With the exception of Bolivar, no eminent men have been produced to enlighten this empire by their wisdom, or to sway it with their firm hands. A deplorable want of public virtue has been displayed among the leading characters who have assumed the direction of public affairs. Bad faith has but too frequently marked the conduct of the republics; nor have appearances of pecuniary corruption been wanting. The successive Governments formed have been possessed of but feeble power; and the confidence of the people has not enabled them to draw forth the national resources, unless when connected with the spirit of resistance to the parent state—if so stepmother a Government as that of Spain can deserve the name. Hence the want of all stability in any one of those commonwealths; hence the sudden and violent revolutions to which they have been subject—the ceaseless anarchy in which they have had their political being—and their dangerous conflicts with their neighbours. That the spirit of independence may keep them free from all foreign yoke there can be little doubt; but for domestic liberty they are plainly not prepared. A greater contrast can hardly be conceived than their history has presented to that of the United States; and the difference is entirely owing to their struggle against the monarchy of Spain having led them, as it did the republicans of ancient times, to found popular Governments, before the people had learnt the difficult and late-acquired lesson of self-government.—These remarks, of course, extend not to Brazil. The emigration of the Portuguese Royal family has retained that noble country in subjection to a kingly Government; and the constitution on a representative principle, which it has obtained, as well as its connexion with old Portugal, at once has consulted the best interests of the people, and allied it with the constitutional party of England and of France.

In the East, that is in the Levant, comprising Turkey and its great and rich province Egypt, the enmity of Russia, and her constant system of encroachment, pursued without a year's interval or a month's, for much above a century—the constitutional cause has natural allies. The spirit of improvement, even of Reform, has penetrated into the Divans of Constantinople and Alexandria; nor is there a doubt that liberal policy has made more progress among the Turks of the South, than among the Calmucks of the North. Any approach, indeed, to representative Government, or to a direct interference of the people with the administration of affairs, neither has made; nor, in the present debased state of the ignorant community, is any such thing practicable. But important amendments are daily introduced into their institutions, which must speedily change the face of affairs; and, above all, education is, in Egypt, so much cared for, that schools have been established, with great profusion, all over the country, and infuse principles at once liberal and practical. Removing popular ignorance, and raising the long-neglected inhabitants to a higher scale in society, will unquestionably lead to the development of the talents which they possess; and which all who have had any personal knowledge of them agree in representing to be combined with a spirit of rectitude, a feeling of honour, that forms, we fear, a sad contrast to the low cunning implanted by a long servitude in the character of the Greeks.

Whether the encroaching policy of Russia shall be suffered to extend on the side of Turkey, is undoubtedly a question for the serious consideration of the other European powers. She is at the head of the Absolute Party; her influence affects habitually when it does not rule, the Courts of Austria and Prussia. Her gigantic power, her resources of men at least, if not backed by a plentiful treasury, and, above all, her position, which exempts her from all the dangers of attack

that tend to keep other nations in awe, and bind them over, as it were to peace and good behaviour, have given her a weight of late years in European affairs, very different from any she possessed, even under the reign of the ambitious Catherine. The only thing that has hitherto made this colossal empire a safe member of the European community, has been that remote position which, in another view, makes her almost irresponsible by making her secure. But it will be far otherwise if she moves to the southward, and adds Constantinople to her vast dominions. She will then have the footing on the Mediterranean which has always been her most favourite object; she will become in reality what as yet she has only affected to be, a naval power; and, with the resources of the Levant, added to those of the north, no one can doubt that she will be a naval power of the first order. The independence of Egypt, on any account a matter of the greatest importance to all the commercial states of Europe and America, will, of course, be a mere impossibility; and all the improvements now beginning in the East will be at an end. The view taken by some that there will be an advantage gained over Russia, inasmuch as she will be brought into the circle of the other European powers, and exposed to be attacked in her new dominions, appears a refinement too absurd to require a serious refutation. She still has her vast and inaccessible empire behind, on which to retreat; and, admitting the utmost weight that can be assigned to the argument just stated, it would only follow, that she might always run the risk of losing her new acquisitions, in an attempt still further to extend her encroachments; thus playing the safe game of either winning universal monarchy, or remaining where she was before she seized on the Dardanelles. Other powers would still be in the very difficult position, that they could only play for that forbidden prize by staking their existence, by "setting their lives upon the hazard

of the die;" while she might play for it at the risk of only losing the last of her unfair gains.

To these considerations regarding the dangers apprehended from Russia, many reasoners add another, derived from observing her progress in the East. No doubt in that quarter she has been constantly advancing; and Persia may perhaps be said to exist at her good pleasure. But of such a mighty operation as a march to the northern provinces of India, where, independent of the distance, and the barren and difficult country through which the route must lie, there would be found a powerful army, inured to the climate, admirably commanded, strictly disciplined, amply appointed in all respects,—we really cannot entertain any very serious apprehension; as long, at least, as the justice and lenity of our Indian administration shall avoid all collision with the natives; and our grasping spirit after territory and revenue shall not throw the country powers into the arms of the first adventurer among themselves, or the first European rival, by whom our immense dominions may be assailed. Besides, long before England could have to contend for her Eastern dominions at Delhi, Cabul, or Lahore, Russia would have to encounter our fleets at Cronstadt, and to defend Petersburg itself.

The name of Russia can hardly be pronounced without the figure of Poland, the victim of her crimes, possibly the instrument of her punishment, rising before our eyes. Nor is the position of that ill-fated and gallant nation immaterial to the view we are now taking of the European system. The Poles exist in the centre of Europe, nominally subjects of three powers, among whom they are distributed by acts of mere brute force;—beginning in foul treachery, consummated with wanton cruelty, universally execrated by all beholders, never to be forgiven or forgotten by those upon whom they were perpetrated. Though enslaved for the moment, their spirit is unsubdued,—their hatred is the more rancorous for being suppressed

—their animosity the more fierce for being bridled—their purpose of vengeance the more fixed for having its execution delayed. Though divided at present by political boundaries, these are to them arbitrary and imaginary; they still regard themselves as one nation, and this determination makes them one. Though presenting a blank to mark where Poland once had been, they exist in reality; and the meanness and the cruelties of their oppressors betoken that they know it. At any favourable opportunity presented by the conflicts of other states, the Poles may rise and take a part. They are a mine ready at any moment to explode; and they must always of necessity be found upon the side of the liberal or constitutional party,—the party ranged against those powers who form the Holy Alliance, identical with the partitioning confederacy,—their tyrant, their oppressor, their scourge. The peculiar circumstances of the Poles, however, make them an exception to the rule which ranks all the powers of the liberal side among the friends of peace. While the existing tranquillity continues, the unfortunate Poles know that there is no prospect of their country being restored; and hence they are anxious for any event which may disturb it.

We have now gone through the whole system of European policy, and contemplated the distribution of the powers which compose it, according to the new principles which govern their alliances and their oppositions. On the one hand, we have the Liberal or Constitutional Party, headed by England and France; on the other, the Absolute Party, headed by the Holy Allies, Russia, Austria, and Prussia. The principle of the classification is not accidental or arbitrary; it is founded in the nature of things and of man; it is the similarity of political circumstances; the community of political feelings; and the identity of political interests. Those states which enjoy the benefits of a free Government, those nations which are ruled and administered

by the body of the people, differ essentially in all important respects from those which are subject to the will of a single individual;—where the voice of the people is hardly ever to be heard, where they exercise no direct control over the Government, and where they are wholly excluded from all share whatever in the management of their own concerns. The conduct which the two classes of states are prone to pursue in these instances with their neighbours (the only proper subject of our present consideration), is as essentially different as their situation in point of internal constitution; and the one diversity is the result of the other. This leads us to the very important subject of the effects which are produced by Arbitrary and by Popular governments "severally" upon the Foreign Policy of nations.

1. The natural and indeed altogether unavoidable tendency of an Absolute Government must be to desire the establishment everywhere of the same constitution; and to dread as an evil pregnant with danger to its own existence, the progress of liberty in other countries. It has this desire much more at heart, and feels this apprehension far more than a free government can be supposed to wish for universal liberty, or to dread the progress of despotism. Little danger comparatively can arise to a Popular Government in one country from the existence of despotism in the neighbouring states; because there is little risk of the example proving so attractive as to obtain advocates and imitators. But the case is very different with Popular Governments surrounding a Despotism. The example of freedom is contagious; and the people suffering under the oppression of an arbitrary sovereign, or injured in their most important concerns by his maladministration of their affairs, are very likely to demand a change of Government; aiming at the enjoyment of those rights which they see their neighbours possessing, and using to their

great advantage. The facts of the case in general, but particularly the history of the last half-century, and more especially of the latter portion of it, abundantly prove that this position is strictly true. The league of the allied princes on behalf of the French Royal Family in 1792, was a league of the Absolute against the Constitutional principle; originating in the fears of despotic Governments, that liberty once established in France might soon cross the Rhine, the Alps and the Pyrenees. All the earlier policy of the European Courts was governed by the same principle, and it was not even wholly forgotten, when a far more immediate risk was to be encountered, first, from the mighty successes of the republic, and then from the conquests of the empire. The downfall of Napoleon, and the restoration of the Bourbons, for a while quieted the alarms of those absolute princes; but they were soon revived by the events which happened in Spain and in Italy; nor did even the remote triumphs of liberty in South America pass without affecting the sensitive nature of arbitrary rulers. Indeed, so provident were they, by a kind of instinctive dread of a long-continued peace bringing about various domestic changes, that, long before any movements had been made by the people in any part of Europe, the Holy Alliance was formed, almost as soon as the peace was concluded in 1815; and though its avowed object was the maintenance of peace, the real end and aim of its being was the prevention of revolution, and the resistance to popular principles, all the world over. The great events of 1830, both in France and Belgium, gave rise to much intrigue and many secret attempts, though the princes durst not openly avow their designs; because, while France and England were united, all resistance must be vain. But it is as certain that, underhand, the former have assisted both Carlos and Miguel, as that the latter powers have more openly aided the constitutional cause in both portions of the Peninsula.

It is scarcely necessary to add, that there is no more right, in the liberal party among the European states, to interfere with the affairs of a neighbour, for the purpose of producing a revolution favourable to liberty, than in the absolute princes to interfere between the people of any state and the freedom which they have acquired, or are seeking. The proceedings at Laybach and Pilnitz were not greater outrages on all the principles of national independence, than the decree of the French Convention in November, 1792, which amply justified the hostility of other states, even if the anarchy in which France was plunged had been passed over unheeded. Indeed, it always appeared to calm observers that Mr. Canning's celebrated declaration in November, 1826, was unstatesmanlike, and reprehensible on the same ground. If it was more than a rhetorical flourish, it conveyed an unworthy threat, and it implied the assertion of a claim founded on an unsound title. It was an intimation, that if the absolute powers interfered in Portugal, England might raise their own subjects, and excite them to seek liberty through revolution—a menace only to be used defensively, because a proceeding only to be embraced in the very last extremity. But it also was grounded on a false assumption, that we have a right to revolutionize one country, or in any way to interfere in its domestic affairs, for the benefit, not of the country itself, but of some other country attacked by its rulers. These remarks apply to that part of the speech which regarded European insurrections, and was garnished with the quotation about Æolus and his winds. As for the other part, relating to the South American states, the recognition, the very tardy recognition of whose independence he termed "calling the New World into existence to redress the balance of the Old," there was neither fact, nor sense, nor even good trope, nay nor correct language, to recommend it. The result of the whole is, that unless where the state of affairs, in any

one country, is such as immediately to endanger the tranquillity, and even threaten the existence of its neighbours, the latter have no right whatever to interfere, either to overturn or to restore its Government. But if another power, or combination of powers, shall, in breach of this cardinal rule, interpose; undeniably the right to take part against them, and obstruct their operations, immediately attaches; and so the liberal powers, France and England, would have both a right to exercise, and a duty to perform, of assisting any free state against tyrants, if the Holy Allies should think proper to act. The perfect knowledge that this right exists, and that this duty would be discharged, is the best security against all such aggressions upon the constitutional principle by those absolute princes, and is the most valuable service which the liberal alliance can render to freedom.*

2. The next diversity to be noted of Popular and Absolute governments, is the different degree in which they are fitted for the operations of diplomacy. The unity and the vigour of Absolute Monarchy, as giving it great advantages in negotiation, have been much relied on; and, undoubtedly, in performing this function, it has some advantages over a Popular form of Government. It is more secret; it can more easily lay its plans; it has more ample discretion in accepting or refusing terms. There is always some risk of the ambassador of a republic being disavowed by its senate; or even of the senate being thwarted by the people at large. There is always a chance of matters being made public, which are unfit to be disclosed. Hence

* It exceedingly behoves the Liberal party never, by putting themselves in the wrong, to arm its adversaries with arguments of serious weight against them. For this reason, the issuing illegal orders to the cruisers on the Spanish coast was deeply to be lamented. Those orders were an infraction of neutral rights, and they were grounded on a construction of the Quadruple Treaty of 1833, which its authors at once disclaimed.

there may often be a reluctance to treat with, or to trust the republican negotiators. Now, without denying this statement, or underrating the imperfection to which it relates in Popular Governments, we conceive that against it must be set a far more important advantage, which those Governments enjoy for maintaining the relations established by treaty. The insolent caprice, or the sinister views, the personal feelings, or the private interests, of an individual are far more likely to make the Absolute Government swerve from its engagements, than any reverse of popular opinion or sentiment is to create a similar departure. An act of bad faith, which may be committed in the closet, and cannot be either submitted for previous approval to the public, or prevented or resisted by any other power in the state save the wrong-doer, is far more likely to be committed, and, if committed, far less likely to be retracted, than if it must undergo, in the first instance, a free discussion among the people to whose judgment it appeals; and may immediately, after being perpetrated, be reviewed and reversed before the same popular tribunal. Outrages upon all principles of honour and honesty have often been committed by absolute princes, which never could have even been propounded to the representatives of their people, and which, if propounded, must have been instantly repudiated. Therefore if certainty, security, the improbability of faith being broken, the likelihood of what is for the honour and interest of the country being consulted, and therefore sudden, capricious changes of policy being averted—if these things make a nation safe to treat with and to trust, a Popular Government is better fitted for negotiation, and for maintaining the relations of alliance, than an Absolute Prince.

3. The superiority of a Monarchy for military operations, that is, for the policy of war, and among other branches of it, for maintaining the relations of belli-

gerent alliance, has been also much vaunted; and here, as under the last head, there is undeniably some advantage on its side, while there is an advantage of much greater magnitude possessed by a Popular constitution. The promptitude with which a single mind can plan, and the vigour with which a single hand can act, is undoubtedly a material advantage; although, by judicious arrangements, even a commonwealth, and much more a limited monarchy, may be enabled so to employ individuals as to gain the greater part of this benefit. But the power of drawing forth the whole resources of the country belongs to a free and limited Government alone. The exertions in raising men made by France, the incalculable sums of money drawn from the people of England, are incontestable proofs of this position. No absolute prince could have raised a tenth part of the money; and although Napoleon, availing himself of the relics of revolutionary spirit and republican habits, and working on the epidemic love of military glory and national fame which marks that martial people, succeeded in raising enormous masses of troops, he fell, because the spirit was gone which made all France rise as one man against invasion under the Convention; and Paris saw the Allies enter it unresisted, except with groans and curses, by the people. It is, indeed, frequently said that the turns of popular opinion may prove fatal to military policy, by their sometimes urging hostilities—sometimes prematurely opposing them, and requiring peace. But this point will be considered under the next head.

4. The great question of Peace is the last and the most important point of view from which we have to survey the difference between Popular and Absolute Governments. It seems quite evident that the chances of war breaking out are far greater, at all times, under the latter. Kings are, by their nature, that is, their

education and their position, lovers of war. Its pomp, its gratification of vanity and ambition, its direct gains when successful, in which they chiefly share, while its losses, if disastrous, fall on their subjects—all conspire to make this their favourite pursuit. The very necessity of maintaining a standing army for their own security at home, leads to war; for it provides the great instrument of war, the possession of which always furnishes a temptation to use it. Even when poor and exhausted by former conflicts, sovereigns will, like the father of Frederic II., pass their lives in collecting treasures and troops, in order that their sons, like him, whom thoughtless men have, for his crimes, called "Great," may squander the one and use the other in ravaging peaceful, unoffending provinces, to increase the number of his vassals. So, too, the league of Absolute Princes for the spoliation of their weaker neighbours is an easy operation. How little difficulty did the Governments of Austria, Russia, and Prussia find in secretly plotting the division of Poland, and concealing that deed of darkness until it was too late to prevent its perpetration! How few words did it cost Louis XIV. to consummate the inhuman devastation with which despotism, more unsparing than the tempest, ravaged the Palatinate! But, unless in the most barbarous times, no such atrocious outrages could be suffered in any state where the public voice is heard, and the measures of Government are subjected to free and popular discussion. Indeed, we may lay it down as a certain truth, that, generally speaking, in proportion as the people in any country become enlightened and well-informed of their interests and their duties, the love of peace will prevail among them; and the chances of their regarding war with any feelings but those of abhorrence will diminish. But no hope whatever can be entertained of any education eradicating from the minds of Absolute Princes the love of military glory, the thirst for extended dominion, the disposition to embark in

the horrid pursuits of war; and all princes would be absolute if they could. Besides, the risks of war being undertaken are further multiplied, in an Absolute Monarchy, by the ease with which it can at once be declared, when a single voice alone decides for it. *L'état! c'est Moi!*—were Louis XIV.'s memorable words. A match broken off, or refused—a family quarrel to be espoused—the desire to extend some cousin's territory—an offence to the individual prince, or his dependents, or his relations—nay, an insult, wholly unintentional, and which he had brought upon himself; as when Charles XII. took umbrage that he was not treated like a king when he was travelling in disguise, and went to war for it; such are the causes of war, where Princes can determine with a word upon the misery of mankind; and the people, who can by no possibility have the least interest in such matters, or in the contests they create, are punished, according to the Roman poet's saying, for the phrenzy of their rulers.

It is an undeniable fact, that, in a popular Government, much less is always left to chance and uncertainty, than in a Government where the will of one man forms the rule; and where caprice, and personal influence, and ascendancy must generally prevail; and this maxim applies to the foreign as much as to the domestic concerns of the state. The greater the number of persons who must be consulted before any measure, whether of treaty or of war, is resolved upon, the less will the deliberation that leads to the decision, and the motives that regulate the execution of the plan, be subject to accident or to error. Great bodies of men discuss the whole of each matter propounded; nothing escapes them from neglect or oversight; no access is afforded to haste or caprice; —above all, there is but one object in view—the general interest, the common good; and this controls all

private feelings, neutralizes all sudden impulses, and counteracts all individual peculiarities. So, too, a course once adopted for the public benefit is not hastily departed from; it is persevered in until experience shows it to be erroneous, or a change of circumstances requires a change of policy. Nothing is taken up on the whim of the moment, or the fashion of a day; nor is anything, once taken in hand, upon mature reflection, and after full discussion, laid down without just and solid cause. What misleads men in arguing on this subject, is the confounding of the proceedings of a mob with those of popular bodies regularly constituted and acting by fixed rules. The former may easily go astray of itself, or be misled by demagogues to form hasty conclusions, and enter into precipitate courses of action,—but the latter never can, if the government be not most viciously constructed. If the constitution be such as gives the reins to mob influence, or enables leading men to carry away the ruling assembly by sudden impulses, the fault is not in Popular Governments generally, but in the defective structure of the one in question. Now it is manifest, that where the constitution is such as to afford time for reflection and deliberation before any measure can be finally resolved upon, the good sense of the community is sure to prevail over the folly of the mob; and the interests of the many over those of the few. The rational portion of the people will be convinced by argument, and drawn to the side of reason, and their weight will, in the end, regulate the voice of the whole.

Hence, generally speaking, war will be much less likely to find favour with a Popular Government than with an Absolute Court. We speak with reference to the general case; without denying that republican Governments have sometimes proved warlike, as that of the barbarous Romans, from their want of knowledge, their savage thirst for plunder, and the accidental

circumstances of their situation—a band of outlaws forming their institutions, while they lived by rapine; and adhering to them through superstition. So wars will, now and then, be popular from the national feeling of the moment; as that with Spain in 1739, when public clamour drove the wise and politic Walpole from the helm he had so long and so usefully held in times of imminent domestic peril, and complicated difficulty; and, indeed, the American and the French wars were, at first, popular in this country. But then it must be recollected, that the personal influence of a narrow-minded and bigoted King, and a nobility wielding such overgrown power in Parliament as to make our Government rather an aristocracy than a popular constitution,* both urged on the people to join in the cry, and prevented the return of reason and sober sense, and with them peace, as soon as the neighbourhood of France had become safe. It was to the vices of our constitution that we owed the unnecessary continuance at least, if not the popularity of those fatal contests, the effects of which we have not yet outlived; for had a popularly formed legislature then existed, it is very probable neither wars would ever have been made; and perfectly certain that both would have been over in a few months.

It thus appears incontestable, that the course of Popular Governments is always likely to be more steady—less under the guidance of caprice, or at the mercy of accidental circumstances,—than that of Absolute Monarchies; that they are more to be relied upon in maintaining all the relations or intercourse with other powers; that they are sure to be better neighbours, and less prone to acts of injustice or violence; above all, that their policy is more certain to be moderate and pacific.

* But without the virtues of a proper aristocracy.

The happy footing upon which England and France have been together, ever since the Revolution of 1830, is, no doubt, the result of that popular influence, whose beneficial effects we have been tracing upon the whole frame of international policy. The ancient maxim, that the two countries were natural enemies, has been succeeded by a conviction that the near neighbourhood which makes each the best customer of the other ought, in a merely commercial view, to make them natural allies. But, indeed, the very circumstance of their proximity and their strength, which exposes each in war to the greatest hazards from the other, offers an irrefragable reason for their living upon friendly terms, and never suffering any trifles to interrupt their amicable intercourse. These things were always sufficiently evident; yet the Government of the two nations being in the hands of courtiers and princes, while the people had little or no weight in the administration of affairs, the course taken by the two states was directed not by the enlightened reason and the common sense of mankind, so much as by the refinements and caprices and prejudices of the governing few; the interests and the feelings of the many being alike disregarded. Hence a spirit of rivalry and mutual enmity grew up on both sides of the Channel; and the two nations, formed by nature to be friends, were filled with a spirit of hatred and apprehension. This is now happily past; and for this we have to thank the French Revolution, and the English Reform. He would be a bold as well as a wicked Minister, in either country, who should attempt to revive the old hostility between the two; but he would speedily be a defeated and disgraced and punished Minister; and his fate would serve as an example to deter others from endeavouring to thwart the well-grounded desires, the deliberate, and rational, and virtuous principles of a mighty people.

The salutary influence of this amity and union be-

tween those great powers is felt to the very ends of the earth: it tends to the security, to the improvement, to the pacification of the world. England now resumes her station as the head of the Liberal Interest in Europe. What part she bore in the contests of the sixteenth and seventeenth centuries for Religious Freedom and the Reformation, that same part she now maintains for Civil Liberty and National Independence. But now her course is more clear, her success more secure, because now she has France for her mighty co-adjutor; and with France her co-operation is cordial, as her amity is assured.

The peace, not of these two states alone, but of all Europe, and of the world, is in the keeping of France and England. While they continue friends, not a gun can be fired in any part of the globe without their consent. No aggression upon national independence can be attempted; no war against public liberty waged; no invasion of the rights of man and the law of nations undertaken. The occupation of the Holy Alliance is gone; it has ceased to reign; it can no more trouble and vex mankind. The police of Europe, which the conspiracy of the Calmuck, the Goth, and the Hun, had affected to administer, is no longer in their hands; it is intrusted to less suspicious parties. The thief and the receiver, the murderer and the robber, are no longer suffered to play the part of watchmen; or, under the disguise of patroles, to spring upon the wayfaring man. The high police of Europe, by land and by sea, is in purer hands, ay, and in stronger hands too! The great Continental power of France—the mighty Naval force of England—the sword and the trident—the eagle that has perched upon every capital of Europe save one—the flag that "braved a thousand years the battle and the breeze"—are united under the banner of liberty; and, marshalling those two free nations, appealing, if need be, to all other people, calling to

their aid the *posse comitatus* of Europe, they will have no nation molested because of its liberties—nor any tyrant protected against his subjects—nor any opinion proscribed because of its truth and worth—nor any wrong done to the weak by the strong—nor any rebellion attempted of might against right.*

* The Date of this Dissertation is January, 1839. The unhappy Revolution of 1848, and the grievous errors of parties in the Legislature that followed, are chiefly to be deplored for the disrepute into which they have brought constitutional government, suspended, let us hope, rather than abolished, in France. To the powers of the Crown there, how absolute soever by law, there are bounds fixed by the influence of public opinion, and the monarchy is practically, perhaps, limited. In reading this Dissertation, the qualification of its doctrines, intimated in p. 150, must be carefully kept in view. There is no statement of any *right* in nations to combine on account of similar forms of government; the tendency, the *natural proneness*, is described.—(See last Dissertation).

WAR MEASURES AS CONNECTED WITH THE BALANCE OF POWER.

I.

The statesmen of the Continent have, of late years, been divided altogether into two classes; those who have resolved to have war with France at all risks; and those whom no provocation could ever induce to encounter that great hazard. Between those who excessively overrated the dangers of peace, and those who, with far greater reason, but still in an extreme degree, undervalued the chance of safety to be obtained by war, there appears to have been, at least in Russia and Germany, no medium; and unhappily the former party, stimulated by the influence of England, have generally preponderated. Their doctrines, after making the round of Europe, with the exception of two or three very feeble powers, have at last realized the very fears of universal sovereignty, upon which they were originally founded; and the Continent of Europe has been piecemeal subdued by France, in twelve years, by dint of attacking France to prevent her from conquering the Continent of Europe at some distant period. Such being at any rate the fact, it is not altogether unfair to suspect the soundness of the principles upon which the war party have proceeded; and to conjecture, that if ever the zealots of this faction are to assist in repairing the evil which their counsels have occasioned, it must be by revising their fundamental doctrines, or by correcting the application of them. The following remarks may assist us in estimating the

kind of revision and correction which will probably be found necessary.

1. The advocates for continual war in order to prevent ultimate danger, have uniformly neglected a consideration in itself, one should have thought, sufficiently obvious, that their counsels led to great and certain calamities in the meantime, without in any degree securing the more remote object in view. These well-meaning and high-spirited persons, altogether overlooked, probably because the topic was trite, the necessary evils of war; and whoever ventured to hint that the father of his people should pause before he took a step which must lay waste his provinces, kill many thousands of his subjects, cripple many more, and impoverish the whole of them, was looked upon as a sentimental enthusiast, or a friend of the common enemy. Now, without attempting to maintain that these constant attendants on continental wars should, upon every occasion, prevent the adoption of hostile measures, we must be permitted to think that they are sufficient reasons for preferring in every case measures of conciliation, where there is any chance of succeeding thereby; nay, for temporizing (we are not afraid to use this dreadful term), in order to put off the evil day; unless in those emergencies which render war at last inevitable, and delay dangerous—emergencies which occur much more rarely than some men have been apt to suppose. But as these principles, though scarcely ever acted upon, will probably be admitted when stated in the abstract, we must observe,

2. In the *second* place, that the certainty and extent of the evil which the war party require us to embrace, is the best possible reason for carefully reflecting, before we make our choice, whether we have a tolerably good chance of gaining the end proposed, in return for the sacrifices demanded; and we will venture to assert that this part of the question has been uniformly neglected by all the powers who have

attacked France. They began their hostility when there was some little hope; and with everything in their favour—her lawful rulers hostile to her interests—civil war raging through her provinces—total anarchy in many great towns—a revolution happening about once a-month in the capital—a new constitution in church, state, and army—the revolt of some generals—the old age, or destruction of the rest—scarce a soldier who had seen service, or an officer who knew anything of his profession—her trade destroyed—her colonies gone—her credit torn up by the roots;—and in spite of all these powerful aids, the allies completely failed in their attack; one of them left the league; and the rest lost some of their finest possessions. This was a lesson to the belligerent faction, but it was altogether thrown away; and the two allies having been conquered by France during her worst times, the one that now remained never thought it possible, that by renewing the war during the better days of France, she might be utterly undone. Such we presume to have been the grand error. Austria was induced to embrace all the certain evils, and to run all the mighty hazards of a war with France, when Prussia refused to join her, and when the extent of the French Force was well known. It is needless to add that she went to war, without improving the constitution of her military system, or her finances, after she had found both the one and the other unfit for service. Nor can it be necessary to enlarge on the manifold advantages which a prolongation of the truce of Leoben (since she was not wise enough to stop the war sooner) must have procured her, in the event of a future rupture with France, when Prussia might be prepared to take part in it.

3. But if the court of Berlin was resolved not to give the cause of England and Austria any chance of success, there was a new ally preparing for us in the North, never thought of by our short-sighted forefathers; but now esteemed much more than a substi-

tute for the power bequeathed by Frederic the Great to his prudent successors. The Empress Catherine, after augmenting the resources of her dominions as much as human wisdom could do, by reigning in peace with her powerful neighbours, never quarrelling with anybody but Turks and Poles, and maintaining a sort of character for great power with the rest of Europe, by cautiously avoiding every movement that might ascertain her real strength, departed from the scene of wars and coalitions, leaving her son in peaceable possession of the throne. This prince, being found much less untractable and less politic, was forthwith courted by the allies. The amount of their panegyrics upon him was that he possessed a warm heart and a hot head; so we may fairly doubt whether he was the best of possible associates in the new war; and whether his opinion of the strength of his empire, and his views of its true interest, were as much to be trusted as his mother's, who, with all the ambition in the world to take a direct part in European affairs, and all the wish to aid the common cause, had never sent armies, nor indeed anything, but manifestoes, into Germany; and had only lent England as many seamen as she wished to have taught in our service. But these were topics which the allies thought as little of as Paul himself. Accordingly, Russia, in an evil hour, began to move, ceased to be invincible, and lost her sway in Europe. Her influence sensibly declined at every successive event; for, after once beginning, it was part of the evil, that she must take a share in all the affairs which occurred; and we have now a right to assert, what we formerly predicted, that the effects of her first, accidental successes, have vanished before the repeated proofs of her unfitness for holding the balance of the Continent; and that as little now remains of the fear of Suwarrow, as of the influence of Catherine. We conceive, then, that the next grand error of the war party has been, the confidence which they have reposed

in the assistance of Russia; both because it has made them renew their hazardous warfare against France, without the aid of Prussia, and because it has induced them to push forward into the field a power whose assistance they might always have commanded in the cabinet—a power, whose influence was never doubted, until its strength was tried. As, however, this part of the subject is at present the most important of all, we shall stop to suggest one or two considerations in support of the low estimate which we are disposed to make of Russia as an European ally. These we are compelled to run over very quickly; but it is enough to mention them.

4. There is a natural enmity between France and the two great powers of Germany. Those who once thought that Prussia had for ever deserted the Germanic cause, may now be convinced, that had Austria not been hurried on to her ruin in 1805, she might have made head against France, with the assistance of Prussia, at a future and a better time. At all events, when those two powers should league against France, we might always, for reasons too obvious to mention, count upon their active and steady co-operation. It is not so with Russia. She is too far removed from the danger. She interferes too little with France. She has too few points of contact. Her natural enmity is rather with Germany, with Sweden, and with Turkey. She has more than once been found ranged on the side of France in the great European contest. It is more by accidental peculiarities of personal character in her rulers (very praiseworthy, we admit), than by the operation of any regular and steady principles, essential to her situation, that she has done for the common cause the little of which so much is said. She is naturally under no *necessity* to attack France, until Poland becomes a French province; and when that inducement arrives, obstacles will no doubt come along with it. It is manifest, that if Russia is to interfere in European

affairs, according to her caprices and not according to the fixed law of her necessities, she may attack France this year, and Austria the next; but it is equally manifest, that she may succeed in the one case, and must fail in the other. Of these things, we are humbly of opinion, the Cabinet of Vienna has been more aware than our own statesmen; and we imagine it will scarcely be doubted, that a fear of Russia hurried them on to their ruin in 1805.

But even if we were sure of the aid of Russia against France, what is the value of that co-operation? It may be worth something if Austria and Prussia unite to begin the war (in which case one may venture to predict, it will never be given). It is worth absolutely nothing in the only case in which it has been afforded, when Austria or Prussia, meeting France single-handed, are destroyed before Russia can come into the field.

It will be asked, however, why this immense empire should be unable to pour forth numerous armies, with so vast a population, and so small a risk of being attacked? To this it may be answered, that she evidently cannot; because, with all the wish to do everything, she has done nothing; and if there is some flaw, some hidden impotency in her constitution, it is for those who count upon her assistance to find it out; or, if they deny its existence, at least to show us why her aid has been so useless. But we shall simply allude to several causes of weakness, enough to show why the performances of Russia fall always so far short of her promises.—Her armies, though exceedingly brave, are ill-officered, and must be badly disciplined; so that, though ten thousand Russians might beat an equal number of French, five hundred thousand French are sure to beat a much greater force of Russians; and unfortunately, France will not agree to fight with small detachments. The state of the internal administration of the country; the total want of able and prudent men in the important offices under the government; the poverty of the

empire; above all, deficiency of sound sense in their statesmen; the exclusion even of their talents from the public councils, and the proportional influence of barbarous nobles or intriguers; all these and other fruits of the half-civilized state of Russia, which Catherine in part rendered harmless by remaining at rest, and in part counteracted by her own genius, must be fatal to the foreign influence of the empire, under a monarch of inferior ability, who excelled that great princess only in rashness. The partial successes of Suwarrow confirm, rather than qualify, this statement. For, how long will an army be victorious, in which only one man can be found fit to command? While the right wing is annihilated by the Russian tactics of Korsakoff, what avails it that a European should lead on the left to a momentary triumph? Truly, when we take these things into the account, and consider how little the same defects exist in the French system, we must limit our hopes of Russian assistance to a very humble scale. Far from thinking of triumphs over France, we shall be extremely well pleased if Russia can save herself—happy if she shall be found stronger at home than abroad—if the folly of 1805, and the phrenzy of 1806, shall not enable the conquerors of Austerlitz and Jena, as they are called, but we will only say the conquerors of Jemappe, to transfer from St. Petersburg to Moscow, the seat of those counsels which have well nigh ruined Europe.

5. When the advocates of the war faction refused to be taught by experience the lesson of the strength of France, it was a natural consequence of their obstinate blindness, that having, more by good fortune than by their own merits, obtained an interval of peace, they should wholly waste a period the more valuable, as they were resolved to make it of short duration, and should apply themselves to nothing but attempts of renewing the war, instead of undertaking such improvements in their domestic economy as their past losses

had plainly suggested. Nothing can more evidently demonstrate the length to which this blindness had proceeded, than the views of the German war party respecting France. In describing her superiority, they enumerated none of the circumstances to which she really owes her constant success. They altogether overlooked the grand difference between her and the powers whom she has destroyed, the singular display of talents in every department which the revolution has occasioned. While this fatal event placed at the disposal of the French government, by whomsoever administered, the whole genius and acquirements of the state, that is, the whole power of thirty millions of civilized people; and while all the successive rulers persisted in availing themselves of this mighty force, by employing, on every occasion, merits, and not men: Can we wonder that they have beaten enemies who have as uniformly persisted in the opposite line of conduct; have despised the very talents which were overwhelming them; and, far from being taught by their own defeats, have only become the more perverse and infatuated after each disaster? All this the German war party know; and yet they tell us that France has destroyed them by "*using revolutionary forms!*" All this we know; and yet we believe at each new coalition that France will be conquered. With the fatal contrast before our eyes, of talents matched against imbecility, we gaze with a stupid wonder each time that victory is given to the strong; and we cannot imagine how the greatest mass of genius and experience which the world ever saw, should ever lower the drill-sergeantry and the heraldry of Germany, until we find Vienna, and Dresden, and Berlin, the head-quarters of French armies. If the peace of Leoben, or even of Luneville, had been prolonged, and devoted to the strenuous cultivation of the allied resources—if, wise by experience, they had adopted such reforms as all the disasters demanded in their

domestic economy—if steadily contemplating the great engine by which France had defeated them, they had resolved to fight her another time at her own weapons, by choosing ministers and generals from their talents, and not from their quarters, or their gray hairs; then we might have had some right to indulge hopes of success, and our wonder would have been less silly had we failed.

6. The last remark which we shall at present offer upon this melancholy subject, is in some degree connected with the preceding. The general conduct of the war, it is needless to observe, was extremely injudicious on the part of the allies. But England, too, always adopted the line of operation the least calculated to assist the common cause. We allude at present to the military history of the war merely. The history of our alliances is partly anticipated, and partly too obvious, to require any further notice. But, unhappily our wisdom has not been much more conspicuous, even when we were acting by our individual force, and attempting to assist our allies with our fleets and armies, unfettered by their separate interests, or by the weakness of their counsels. To describe, in a single sentence, the fundamental errors in which England has so fatally persisted, it may be sufficient if we remark, that she has reversed the ancient doctrine of conquering America in Germany; and has preferred defending her German allies in the West Indies. She has sent fleet after fleet, and army after army, to seize upon those distant and defenceless settlements; spending millions of money to purchase the temporary possession of an useless territory, or create a hurtful drain of her mercantile resources; sacrificing thousands of men to obtain graves for thousands more. If all these expeditions, or the greater part of them, which have thus, at any particular time, been employed in seizing spice or sugar islands, had been united, at a proper season, in one army, we should have possessed a for-

midable means of annoying the enemy in Europe. Not that, in this case, it would have been advisable to repeat a similar error, and to send our force upon such expeditions as could only end in temporary advantages, where the enemy had little or no interest in opposing us.

It is evident that we might retake Holland,* Naples,† or Portugal,‡ without materially benefiting the great cause, or ultimately saving even Holland, Naples, and Portugal themselves. For the plan of France has always been, to strike the grand blow in the right place—in the heart of her enemies; to win the great game first, and then to sweep the small stakes at her leisure. She cared not though England, in the meantime, should take possession of a few detached and naturally defenceless spots of the Continent, quite sure that, as soon as she overcame the main body of the enemy, she could recover those little outworks when she chose; and equally aware, that, if she was worsted in the centre, it availed her nothing to have her troops secure elsewhere. Therefore, we conceive it cannot be denied that England, after withdrawing from her colonial schemes sufficient supplies of men to form a respectable army, should have assisted the allies in Europe, either by directly joining them with this large force, or by making such a formidable diversion on one side, as could insure their success on the other. In the former case, she must have acquired a salutary influence over their counsels, as well as their operations in the field, besides immediately contributing to their success. This was probably the best mode of carrying on her part of the combined operations. Next to it, some great and efficient diversion would have been the wisest measure; but not those paltry attacks, weak from their number and dispersion, which only tend to provoke the enemy's contempt, or to irritate a few of his peaceable subjects; which can secure no permanent

* In 1799. † 1805. ‡ 1797.

advantage; which, even if successful in the meantime, will be neglected by France until she has fought the great battle, and placed herself altogether above them; which being neglected by her, and locking up our own disposable force, are in truth diversions in her favour. Had such obvious considerations prevailed over the love of sugar islands, and our eternal activity in the line of small, secret expeditions, England would not now have been reduced to lament the decay of her influence in the counsels by which France must be opposed; or to see the Continent ruined, as was truly observed by that illustrious man, to whose warnings we were deaf, before an English sword had been drawn in its defence.

The result of all our errors has been the present calamitous state of Europe. Nor have our misfortunes taught us wisdom. It cannot be denied that the people of this country are still blind to their real situation; that they have not given over hopes of conquering France by a continuance of the war; that they have rejoiced in the last and greatest of our calamities—the failure of our attempts to save Europe by a peace. This infatuation will continue until the public burdens press with an intolerable weight upon the higher, as well as the lower orders of the community; or until Englishmen acquire the *real* courage to look their situation in the face, and ask themselves, once for all, what is to be gained by continuing the contest. 'We heartily wish that the cure may be effected, not by the first, but by the last of these changes; and to contribute our humble assistance towards this salutary work, has been the object of the present tedious and unpleasant discussion. For we are satisfied that the change in question never can happen, while the people persist in flattering themselves with hopes of continental assistance, and pray for their destruction in the shape of a fifth coalition.*

* The Date of this Dissertation is January, 1807.

II.

When any operation of war is to be performed by our allies, whether they have to attack the common enemy, or to defend themselves against his invasion, it appears to be self-evident, that England can assist the common cause only in one of three ways,—by subsidy, by direct co-operation, or by diversion. We might almost lay it down broadly, that having chosen one of these ways, none of the other two should be combined with it; and for this simple reason, that it is much better to exert our whole power in one way, first choosing, of course, the one most beneficial to the cause, than to fritter away and distract our force by attempting all at once. It is scarcely possible, in the present state of our finances, that we could safely afford large sums to an ally, and pay the expense also of large expeditions to assist him. Better employ the whole money either in helping him to draw forth his own resources as he thinks he best can (for without implicit confidence all confederacies are worse than nugatory), or wholly direct the said sums to fit out such expeditions as may *really* influence the fate of the general operations. In like manner, if it is deemed most advisable to aid the cause with troops of your own, choose well between the only two ways in which those forces can act. You have no chance of raising such armies as may suffice both to influence the fate of the campaign, in the quarter where the great effort is making, and to assist the operations of the allied arms by diversions in other quarters. Attempting both plans is sure to frustrate both, and spoil the whole effect. You will send the show of an army to be beaten with that of your allies, should it reach the field in time to partake of the common disaster; and your diversions will be on the mass of the enemy's force, only so may feeble punctures,—infinitely costly to you,

—altogether harmless to him,—hurtful only to your allies, by depriving them of more effectual support.

Having laid down these plain and incontestable principles, so obvious, indeed, that only the utter neglect of them which prevails in our councils could have justified us for stating them at any length, we need not examine which of the three modes of assisting our ally is the best adapted to the circumstances of this country. That is a question which can only be resolved by weighing the peculiarities of each case. And, although some general positions might be laid down applicable to every state of our foreign affairs;—as, for example, that the subsidy system is liable to the greatest risk of abuse, and, for the most part, gives the worst return in proportion to the expense;—that it is scarcely possible to apply it so exactly, as to escape at once the danger of bribing any ally to premature operations of hostility, and to avoid, on the other hand, the risk of delay:—that it requires, perhaps, too great a degree of submission to the plans and views of our ally;—that, of the other two modes of co-operating, the direct one is generally the most effectual;—that it gives our voice a greater weight in the common councils of the confederacy;—that it produces, in this way, the inestimable advantage of making that party, in some sort, an umpire among the allies whose views are necessarily the most free from all suspicion of sinister and selfish policy;—that it moreover tends, more than any other plan, to the radical improvement of our own military system, whilst it, above all modes of acting, raises our name, and increases our real influence in the affairs of Europe;—although these, and other maxims equally general, might be illustrated at length, in such a manner as to bear upon almost every case that could be supposed; yet we shall forbear pushing the statement farther, and hasten to offer a few observations on the branch of the subject most immediately connected with the present crisis of affairs.

If, then, at any time it is deemed most expedient (as it must almost always be) to aid the allied cause with troops, what would any man of plain common sense conceive to be the most effectual way of doing it? He would ask himself, Where are our allies in the greatest straits? Where does the pressure of the war fall heaviest?—because it is morally certain that in this quarter, wherever it be, the enemy is most anxious to succeed, and will be most injured by failure. It may indeed so happen, that he shall carry on a general system of attack, and make a great variety of smaller efforts in different places. In that case, however, the allies will naturally choose one of those points, and endeavour to overpower him, until in a short time the contest comes as it were nearly to an issue,—to a struggle at one important point, subordinate to, and dependent upon which main struggle, every other movement of the war must prove. The next question will be, Are our allies in this grand point quite secure? If they are not, it is there that we can best help them; and, that they never can be sufficiently strengthened there, without our assistance, is manifest from this consideration, that, were it so, the enemy would not there have made his push; and if our allies are equally strong in other points, then we have only got an extreme case, in which no assistance of ours is of any use. —But, in truth, no war was ever waged on the Continent in which the fate of the whole did not turn upon some grand operation in one quarter, carried on by the bulk of the contending forces. Upon the fate of the cause in that quarter, everything else hinges in the most distant scenes; and if we attend to the constant, steady, masterly, resistless, policy of our enemy, from the attack of a post,* up to the combination of

* Examine the battles of Bonaparte, and indeed of all the great commanders of France, and you will find that the plan of each engagement is similar to the general system of their military policy. They direct a vast column to one well chosen point; break through the line in that

entire campaigns, we shall find it built upon this single view of the subject.

He means to gain several objects, we shall say, in different parts of his extensive dominions,—to drive the English out of Portugal, for example,—to reduce the King of Sweden to an amicable acknowledgment of his title,—to expel the Neapolitan family from the Continent, or to defend his new kingdoms in Italy,—to take a province or two from the German princes,—and to punish, perhaps destroy, Prussia. Now, if Bonaparte's counsellors were taken from the English *political caste*, it is very plain what method he would adopt to gain all those points. He would, in the first place, take care to make war without the shadow of a pretence, and put himself clearly in the wrong before all Europe;—he would next delay doing anything until the season for operation was nearly gone by;—he would then probably treat a little, and be duped by his allies, and cavil and wrangle a good deal, and quarrel with some of them, and excite a hatred of all of them, and of himself, and a contempt of his plans, among his own subjects. But, all these preliminaries of failure being settled, he would at last come to his operations; and his policy would be to get up a number of neat little expeditions, equal in number to the things he wants to take, just one for each thing. He would send an expedition towards Sweden; and the sea not being his element, it would probably fail of itself. He would then send a tolerably large, and intolerably expensive expedition to some part of Germany,—another towards Italy,—a smaller expedition to Portugal,—a nice little one to take a slice off Bavaria,—beside a sort of by-expedition to plunder Hamburgh, and burn, for stage effect, some other capital in alliance with him, merely to astonish people, and look vigorous.

Instead of inquiring what would be the probable

quarter (as we do at sea); defeat the neighbouring parts of it; and then the rest falls before them.

result of all this drivelling, which is, indeed, too plain to require any statement, let us remark rather, how Bonaparte *does act*, not having English politicians to advise him. He leaves Naples alone: If Joseph can support himself, well; if not, he will restore him after the campaign is won. He leaves Sicily alone, filled with English troops, who are just as usefully employed for him as if he had them in his depôt of prisoners,—filled too with the squabbles and intrigues of his faithful allies, the old royal sovereigns and courtiers of Europe. Portugal he leaves to the English army, there assembled for the precise purpose of doing all sort of nothings against him. He cares not if the English are mad enough to make a descent upon Calabria in his absence; or childish enough, because it may have a partial success, to reward those who ventured on so useless an enterprise, instead of calling them to an instantaneous and severe account. All other objects of subordinate importance he leaves in like manner to themselves. The Swede is allowed to strut his little hour of squibs, manifestoes, and bulletins. The Turk is unmolested, except by his allies. Egypt is occupied by none but English forces. Eager for ships, colonies, and commerce, he defers all trading speculations till the season of victory and peace; nor envies us all the plunder and the rajahs of the east; nor once throws away a thought on all the sugars of the west. But his game is not the less sure for being more contracted in its sphere. He singles out the vital part of his whole adversary, and the point of it which is most exposed. In that vulnerable heart he plants his dagger; and he knows full well, that the remotest limb will quiver with the shock. He sends forth his host, in the plenitude of its array, to sweep over the interjacent regions, and to pour itself in one grand, deep, but contracted, and therefore irresistible torrent, into the centre of the strength of Europe. Here,—as near Berlin and Vienna as he can,—he fights his battle; and,

while you are menacing the western departments—or landing and reimbarking in Italy—or capitulating in Holland—or idling in Portugal and Egypt—or butchering your friends in the north—or burying your own men, and planting the slave trade in the West Indies—he is playing that great game which must place in his hands the sweep of all those small stakes for which you are pretending to throw. Do you doubt whether he shall win the game he plays for? If you do, why then don't you send your men there to meet him? Think you that *he* never doubts of his success? It may be that he does;—but he knows that the only way to gain it is to think of nothing else than victory, and, at any rate, to think of no other contest than this. Above all, he feels the folly of being either victorious or vanquished in a little way. He knows that if he conquers the Imperial or the Prussian arms in the centre of the empire, he shall find no difficulty in carrying all the other points—no trouble but in preventing the escape of your forces from the little posts which they have been senselessly occupying; and, if he should be overcome in Germany, he must make up his mind, not merely to the loss of those petty objects, but to *being overcome in Germany*—to the utter ruin of his foreign power. Plain and simple as this consideration is, and constantly as we have seen him act upon it, we have never yet been able to profit by his example, and by the sight of those victories which he has achieved, so as to alter, in the very least degree, our own fatal policy towards all our allies.

After so much experience of the errors of our way, and the uniform proofs of the enemy beating us by an opposite line of conduct, is it not lamentable to see the very same blunders committed, and, within the past three months, the very last chance of saving Europe from the grasp of France, in all human probability, squandered away? The Spaniards were struggling against the French armies; and, from the latter being

obviously unprepared to meet their resistance, great hopes of success might have been entertained, provided some important aid could suddenly have been given to the common cause. Seeing the unprepared state of the French forces, and their inadequacy to the crisis, and aware that so unusual a state of things could only last for a moment, our business was, to have strained every nerve and pour a large force into Spain, as near as possible to the seat of the war. Had such a force as England could raise,—had an army of 60 or 70,000 men, the best equipped and best hearted in the world, been ready to land in Spain at the moment when Dupont surrendered, and Joseph fled in confusion from Madrid,—who shall say that the whole remains of the French army in Spain would not most probably have been overpowered, and the peninsula swept clean of its invaders? But no such thing. The *truly British* policy was steadily persevered in. A fine army of 35,000 men was sent to Portugal,—as far as possible from the scene of real action. It happens, unfortunately, that this army has been brought to shame by the conduct, say the friends of Government, of its commanders;—by the unskilful arrangement of the expedition, and choice of those commanders, say their enemies. But it signifies little what has become of the enterprise, or to what its fate is owing, in our view of the subject. The dishonour of the British arms, and the conveyance of a large army to fight against our allies, are no doubt dreadful aggravations of our loss; but we object to the expedition from the beginning. We demand the reason of locking up our army in the south-west corner of Portugal, when the great battle was fighting in the north-east extremity of Spain? We ask, why so silly a measure was thought of, as turning away our force to conquer an army necessarily in our power, should our allies be successful, and the conquest of which was worth nothing should our allies be beaten? We ask, what justification can be

offered of so dastardly a conduct, as avoiding the hazardous part of the contest—the struggle with the enemy's main body—for the poor temptation of attacking an inferior and insulated body of his men, and making sure of beating them, as a miserable kind of *hedge* in case our real and only game, the game of our allies, should be lost? The Spaniards are fighting the battle of Spain and of Portugal, as well as of all Europe, in the north: they are almost overwhelmed by their enemies: a reinforcement of their strength may decide the day for them.—But, unfortunately, there happens to be a detachment of the French cooped up in Portugal; cut off from all supplies; hemmed in on every side; and utterly unable to escape. If the Spaniards are successful, this little force *must* fall; if they are beaten it weighs not as one grain of dust in the swiftly-mounting balance of their fate, what happens to the French in Portugal. Nevertheless, it is to this wretched outpost of the French power that all the efforts of England are pointed; and, instead of succouring our allies, or, as we term it, "*before* proceeding to succour them," we must be running away to seize hold of a few thousand soldiers—harmless prisoners in a hostile country! Suppose the utmost success had attended our folly, we should have taken those troops, delayed our march for three critical months of the Spanish campaign, and left a large part of the army in Portugal, which was so much wanted in Spain. If we had wholly failed, we sacrificed the power of helping our allies, for the chance of doing ourselves some good, gaining a paltry *éclât*, without the remotest possibility of assisting the common cause by the attempt.

This folly is nothing new, to be sure, in our foreign policy; but it is now applied to cases infinitely more important than any that it ever before ruined. It is the very same blunder, or rather the same narrow, interested method of starving the common cause for fear of being *greatly* defeated, and for the lucre of

gaining a few *British objects*,—which, since the year 1793, has excluded England from all real share in the management of continental affairs, and left Europe a prey to the enemy,—which sent thousands of our finest forces after sugar islands and spice islands, and to hunt down nabobs, and find out and repair worn-out Moguls, while France was raging beyond the Alps and the Rhine,—which detached, to the most distant corners of Europe, to garrison old palaces, or make a show of defending allies never attacked, and, if attacked, utterly indefensible, those troops that might have saved Austria and Italy,—which paraded an army in the north of Holland, to make head against the myriads pouring along the Danube,—which filled Naples with British soldiers, while the Archduke Charles was struggling for Vienna on the Gulf of Trieste,—which amused the people of London with a senseless skirmish* in Calabria, and a procession of stolen silver, on the eve of the annihilation of the Prussian monarchy—and, leaguing at last its selfish folly with open, unprincipled violence, raised up the clamours of the whole world against the English name, by the massacre and pillage of a defenceless friend, while the air of Europe yet rang with the crash of all its most ancient and illustrious thrones. Let us not deceive ourselves; we have done all that lies in our power for the ruin of our allies. With the phrases of justice and generosity on our lips, our hearts have been filled with coldness and selfishness. With the cry of helping to put out the fire on the Continent, we have been caught in the act of pilfering for ourselves; and the consolation which we now have is to reflect, that, beside being detected, we have been stopped, in our petty thefts, and are now, perhaps, about to be soundly beaten for them. It is lamentable to think, that this last opportunity of saving Europe,

* To say that the affair of Maida did infinite honour to the English army, is only to record that English troops fought there. It is the unprofitable lavishing of such valour that excites indignation.

which, if improved, would have even covered all our past misdeeds, has been thrown away like the rest; and that our *policy* has proved consistent to the latter end.

We are now, it is said, about to assist the Spaniards in good earnest, that is to say, by sending a great force into Spain. Something, we would fain hope, may be done, even yet, to delay if not to avert the defeat of that great and good cause, and to obtain better terms for the patriots, if they ultimately fail. Upon a cordial and disinterested union of councils between the two governments, and of operations between the commanders of the two armies, everything will depend on the prosecution of this attempt. Never were rulers or generals placed in so arduous a predicament; and never did more weighty interests depend on their right conduct. But is there no possibility of gaining even more than the utmost probable success can secure, by availing ourselves of the proposal lately made to open a negotiation? Would it be impossible to offer Spain, as we formerly suggested, a dereliction of every one *British object*, an oblivion of all our separate causes of quarrel with France, on condition that good terms should be granted to the patriots? Would not such an offer, if successful, be the salvation of Europe, and, though it failed, strengthen our union with Spain? The late communication from France affords an opening to such views; and we devoutly pray that it may not be presented to us in vain.*

* The Date of this Dissertation is October, 1808.

III.

The war began against the French Revolution in aid of Austria and Prussia, who had attacked France with the avowed object of dictating a form of government to its inhabitants, and with a design perfectly well understood, of seizing upon some of its provinces. Admitting that the former purpose was justifiable, every admixture of the latter should have been scrupulously guarded against; and the only way at once to accomplish the one, and to disavow and banish all thoughts of the other, was to place the exiled family and nobles at the head of the combined operations. England should never have become a party to any invasion of France, that was not accompanied by this pledge of the purity of the principles in which it originated. Nor should she have expected to succeed in the undertaking, by measures which must of necessity unite every class of men in France against her. Accordingly the allies were soon reduced to act on the defensive; and a coalition, formed upon selfish grounds, was dissolved by the first serious reverses.

But Austria, though deserted by Prussia, and driven out of the Netherlands, was still entire; and England, though she had failed in her attempts to rescue Holland, was possessed of resources which, in the hands of a bold and sagacious leader, might have checked the victories of her enemy, and enabled her ally to retreat with honour from the contest. But then began the reign of contradiction and imbecility.—Then came into vogue the doctrine of *British objects*, and the practice of fighting blindfolded. We no longer dared to hope for a counter-revolution in France; we discovered, that the more she was attacked, the stronger she grew: yet we were afraid of allowing Austria to make peace; and, while we pretended that she was continuing the war to regain her lost provinces, and make a barrier for Holland, we avoided every measure which could effectually

assist her in the pursuit of those great objects. The burning of a few ships at Toulon,—the capture of Corsica and Minorca,—a descent to destroy sluices at Ostend,—the easy conquest of some islands in the West Indies,—the seizure of other settlements with the plenary approbation of their owners,—the Cape—Ceylon—Pondicherry; or, as if to show that it was the importance only, and not the difficulty of the enterprise, which deterred us from invading France directly —a long, hopeless, costly and murderous war against climate and pestilence in St. Domingo:—These were the objects on which the whole of our force was squandered; while the enemy was, in a single morning, well spent on the Adige or the Rhine, redeeming all those petty losses as surely as if he had extorted from us the treaty of surrender, and at the same time causing our allies to tremble on their thrones. Hence that character which we began to acquire, among foreign nations, of selfish policy,—of only intermeddling with their concerns when somewhat might be got by it for ourselves, —of looking at the balance of power with eyes rather better accustomed to the scales of a counter,—of always loving to drive a little trade, happen what would to the cause of Europe,—of hankering constantly after some dirty bit of gain, something in the sugar and ship line —and undervaluing, as quite unprofitable, whatever operations of the copartnership only tended to the discomfiture of the enemy, without making a figure in the balance sheet of our own books. Hence, too, another imputation, equally well founded (but, to the country of Marlborough and Wolfe as galling as it was new), that whatever England might do by sea, on shore she was insignificant; for, in truth, our arms were only successful, where conquest was equally easy and useless; and we had always so many irons in the fire—such an infinity of small jobs going on at once—that when, by some unaccountable accident, we, upon one or two occasions, tried to carry a point of real difficulty,

we failed, in a manner if possible more disgraceful to ourselves than it was injurious to the common cause.

During the sad period in question, our activity was boundless and incessant. Indolence and parsimony are perhaps the only faults of which we could never be accused. The bustle of our dockyards was dreadful. The pressgang never ceased from troubling. The marches and counter-marches of troops gave the country every outward appearance of war. We had recruiting, and drafting, and balloting, in perpetual succession—loans by the dozen, and taxes by the score. Scarce a session passed without some new military system; and we generally invented at the rate of two systems of finance per annum. Nor did all this preparation end in nothing. Our harbours were under an almost weekly embargo. There was as regularly "the *secret expedition*," as if it were some part of the island. Our little armies were constantly coasting from port to port, and sailing and returning, and whisking about from shore to shore with incredible nimbleness, and crossing one another, and playing at cross purposes, in the most innocent and affecting manner possible. There was firing of guns, too; and ringing of bells; and one eternal interchange of gratulatory messages—with votes of thanks and pensions—and cabals about appointments, and disputes about islands;—so that any person who had suddenly been transported to this country from some distant region, and saw everything except our gazettes, would infallibly have concluded, that every nerve of a vast empire was straining for the general attack of an enemy—that our whole endeavours were to meet the adversary—that we were not making all this bustle to get out of his way—and that our success was as important as our efforts deserved. Alas! we were all the while crushing flies with a steam-engine, and puncturing an elephant with a needle!

The opportunity which a new ally and a second coalition afforded, was rendered still more inviting, by

the symptoms of weakness and mismanagement which appeared in the affairs of France. Instead of trusting the fortunes of the league to the cordial co-operation of Russia and Austria, and resting secure in the superiority of the Calmuck to the French generals, because a single good commander had appeared among the Russians,—it would have well become England to have sent a large army, either into Germany or Italy, for the sole object of fighting against the French armies, without regarding the petty squabbles of Vienna and St. Petersburg. But we were busy in Lisbon and Surinam just at that particular time! And, when we sent an army to Holland, we took good care that it should land at the greatest possible distance from the scene of action, and not until the tide had begun to turn against our allies. The enemy, however, was alarmed;—he did not then know us quite so well;—he guessed, from our preparations, that we meant something, and was apprehensive we might really intend to operate a diversion. He found we were safe in North Holland!—And, leaving a few troops to watch us, with the assistance of the Dutch army, he quietly pursued the destruction of the Second Coalition.

Notwithstanding our disasters in Holland, an excellent army was assembled—unrivalled in courage—respectable in point of discipline—most ably commanded—fitted beyond all others for landing at any point of the enemy's coast—capable of being greatly increased in numbers, without inconvenience or delay. The contest in Italy was critical between our allies and the enemy;—and therefore our armament remains quietly at home, until that is decided: and, much about the time when the last struggle is making for Austria within a short march of the Adriatic, away sails our excellent army to Malta and Egypt!—as if our fleet had not sufficiently settled the fate of these spots two years before, and as if the French armies could be better employed than by wasting their strength in fruitless expeditions to the East. The glorious result,

indeed, of the campaign in Egypt, has indirectly done inestimable service to us by improving our troops. It has given a new character to our army—a character which, as far as depends on themselves, they have since more than supported. Perhaps it has begun the revival of our fame as a military power; but the remark is not the less obvious, that as much advantage might have been gained in these respects from operations of real importance to the great interests of the nation and its allies—while it is lamentable to reflect, that, so far from turning the military renown and strength thus gained, to a better account in our subsequent schemes, we have been almost systematic in pursuing the same infatuated course; and gaining, from each exertion of our force, only some dear-bought improvement to our troops, while squandering their valour upon projects in which success was either hopeless or unavailing.

Towards the latter end of the war, of which we are surveying the outline, those pretensions of maritime right were advanced, which have since been revived with such fatal additions, and which laid the foundation of the enmity ever since shown by this country to neutral nations. With respect to the question of strict right, there is very little doubt that we had the best of the argument,—to the extent, at least, to which it was pushed in 1800 and 1801. But so very little could be gained by the fullest exercise of those rights, that it is impossible sufficiently to regret the stirring of the question. Our character and our popularity with the rest of the world has suffered incalculably: every suspicion relative to our narrowness and selfishness has been confirmed. Among ourselves, too, such extravagant notions have been raised up of maritime rights, and of the importance of asserting them to their full extent, that the prevailing opinion seems to be divided between those who think the maintenance of them essential to our welfare, and those who think our honour requires it, whether useful or not. So that, until the war broke out in Spain, it was difficult to discover any difference

between the hatred which was bestowed on neutral nations, and that which was reserved for our enemies. It might even be suspected, at one time, that the former was the stronger feeling of the two. But, in all this, we have been liable to any charge rather than that of inconsistency. The mistake of what we had a right to do, for what it was expedient to attempt, has prevailed through our whole conduct (with the exception of that disgraceful enterprise in which right and expediency were equally disregarded); and they who could prefer a sugar colony to the interests of one ally—and an island with a good harbour, to the friendship of another—were surely acting like themselves, when, in attempting to deprive France of a little hemp and iron, they gave her a permanent influence over all neutral and maritime powers.

After the dependence of the Continent had been well nigh secured,—when no chance of a favourable alteration remained but in a change of system,—when it became manifest, that France could only be resisted by such reforms in the neighbouring states, as might enable them to draw forth all their resources against her—that a long interval of repose was absolutely necessary for this purpose—and that a renewal of hostilities on the part of one power, without the cordial co-operation of the rest, was only devoting to destruction the little of national independence that was left;—England, seduced by the fatal delusion that fighting is expedient as often as just cause of war exists, first broke the peace herself; and soon after drew Russia, and, through her influence, Austria, into the quarrel. The history of the Third Coalition, as far as we were concerned, differs but little from that of the two first,—except that it was from the beginning much more hopeless. Whatever chance of being useful to the common cause the exigences of our allies held out, we threw away with an improvident selfishness, to all appearance confirmed, and even increased by habit. The march of the Austrian armies into Bavaria, was the signal for a British force

making sail to the Cape of Good Hope. The struggle, at first doubtful, between the Archduke and the French in Lombardy, was witnessed by our army at the respectful distance of Naples, where a truly British object was to be accomplished, the expulsion of an old ally from his dominions. And another English expedition arrived at the Weser, just in time to learn that peace had been dictated to Austria upon the Danube. An infatuation, of others, hitherto unmatched even in our own history, soon after revived the war in Prussia; and, for once, England had no further share in the ruin of a coalition, than by not having sufficiently exerted herself to prevent its formation. At no one moment of this short but fatal conflict, did any opportunity present itself of taking a part in it with the least prospect of success; and, although the expeditions in the Levant were rather formed upon the old model, yet the utter impossibility of acting with effect in the North, and the advantage of detaching the Porte from its French connexion, might be pleaded in behalf of those schemes;* while the prudent reserve of our strength in other quarters for a favourable opening, in defiance of ignorant and thoughtless clamour, was an earnest of a wiser policy than had for many years been exhibited by the English Government.

These prospects, however, were of short duration. A change of men speedily restored the reign of activity, with all its expeditions. But here a difficulty occurred. There were no more coalitions to be had; so we could not any longer desert our allies, and starve the common cause for some trifling object of our own. We contrived, however, to pass the time in plundering one friendly power at a vast expense of money, and an incalculable loss of character; and in quarrelling with another, to get rid of our commerce also. At length an accident, equally unexpected and auspicious, threw

* The failure of the expeditions in question, is well known to have arisen from the unaccountable mistakes of the officers employed to command them.

into our hands the means of rendering a far greater service to the Continent, and striking a more deadly blow at French influence, than the success even of all our coalitions could have accomplished. How we wasted this precious opportunity—how, by a conduct strictly conformable to all that was weakest in our past transactions, we suffered this season of promise to pass away unimproved, has already been so frequently demonstrated, and must indeed be so fresh in the remembrance of every one, that we shall gladly spare ourselves the mortification of handling the subject.

After this opportunity was lost; when the affairs of the Peninsula appeared to be desperate; when the blame of having done worse than nothing was, by turns, laid upon the Convention of Cintra—the lukewarm dispositions of the people—the dissensions of the Juntas—the want of a central government—the season of the year—the weather—in short, upon anything that might help the real authors of the mischief to shift it off themselves; when, as is usual in human affairs, men, wise by the event, united in condemning everything that had been done, and in wishing that it were to do over again, secure that all past errors would be retrieved, but not venturing to hope for so unlikely an opportunity,—suddenly the rare felicity was bestowed upon us, of repeating our experiments from the beginning, and with all the benefits of our past experience. The operations of the enemy were suspended in the Peninsula. It was manifest that while the war lasted in Germany, he could send no more troops to Spain. Every man was satisfied that regular armies alone could stand against the French forces in that country. The chance was once more afforded us of driving them out, and then leaving the defence of the territory to Spanish hands—or, of assisting the common cause where our enemy was deciding its fate, and contributing, by a great effort, to the emancipation of Spain, as well as the rest of Europe, in Germany.

It may be difficult to determine which of these plans was the wisest. Some persons might think that no effort of ours could have turned the scale in favour of Austria, during the present awful campaign; and that our forces should have been concentrated in Spain. Others may be of opinion, that all the force we could muster in the south of Europe (upwards of 40,000 men), sent up the Adriatic as soon as the war broke out in Bavaria, might have got into the rear of the French army immediately after the memorable battle of Aspern;—while nearly 50,000 more might have been employed in the Baltic, either to prevent the junction of the Russians, or to land in the north of Germany, and encourage Prussia and the insurgents. A third view of the subject may possibly have its supporters,—that we could neither decide the contest in Austria, nor drive the French out of Spain; and they who hold this opinion, must object to any armament whatever,—must counsel us to abandon Spain, and to keep our troops at home.

These three lines of conduct are intelligible and consistent. But, how did the English government act,—wise by the experience of the last war, and, above all, of the first Spanish campaign? It recollected those fatal transactions,—not to avoid them, but to copy them with absolute servility. It followed *none* of the plans just described, but took a little bit of each. It despaired of Austria, but threatened a trifling diversion in her favour after she was subdued; and has probably, before this time, turned that into a ship-plunder expedition. It did not quite despair of Spain; but sent an army to Portugal, too large for any opposition in that country —infinitely too small for the liberation of the Peninsula. It adopted the only plan which could be entirely wrong, and was sure wholly to fail.

We confess that, although the second of the schemes which we have mentioned appears the most alluring, considering the position in which our armies actually

were, and the limited time allowed for executing it, the first seems to us the most judicious. We had 30,000 men in quiet possession of Portugal, with the south of Spain occupied by the only good army of the natives, and Cadiz or Gibraltar to retire upon. From Sicily we might have sent above 10,000 more excellent troops; and from England near 50,000,—more completely appointed, perhaps, than any armament in the world. Whatever might be the final issue of the war in Austria, this formidable army would, in all probability, have had time, during the struggle of that gallant and ill-fated monarchy, to overpower all resistance in Spain, and drive the French beyond the Pyrenees. But if even this could not have been effected,—or if the Pyrenees are indefensible, and the utmost that our whole force could accomplish was a temporary expulsion of the enemy; surely they are frantic who have sent one wing of an army to attempt the same enterprise—who have wasted 30,000 men upon a service above the powers of thrice the number. Nothing in calculation can be more evident, than that we have either done too little or too much during the precious breathing-time which our Spanish allies have so unexpectedly had; and if the German campaign is now at an end, the total ruin of the great cause, which has made every free heart throughout the world beat high, during a long year of anxious expectation, can only be retarded by a miracle.

We have now surveyed the present hopeless state of affairs, and traced the steps which successively led to it. There remains the less painful task of inquiring by what efforts those steps may be retraced, in so far as it is yet possible to better the condition of our allies, by any exertions of ours; or to provide for the safety of the only empire which still continues free and entire. The conduct of this country, indeed, should now be pointed solely to the two great objects of obtaining such an influence in the minds of men as may hereafter be turned to good account,—and of providing for its own

safety. The means adapted for the attainment of both these ends are happily the same.

And, first of all, we must lay our account with the establishment, or rather the confirmation of the paramount influence of France, in every part of the Continent. For the present, at least, this is unavoidable. We have in a great measure brought it upon our allies and ourselves; and it must be borne with patience. Many changes in the distribution of territory must be expected. Kingdoms will be broken down into dukedoms—and electorates, or principalities, consolidated into kingdoms. Monarchs will be threatened, perhaps deposed; and upstarts raised to their thrones at the will of the conqueror. A nominal war will be proclaimed against England in every part of Europe; and attempts to abridge her commerce with the Continent, though often failing, will be constantly repeated, until its total amount is sensibly diminished. If we are wise, however, there are limits beyond which this branch of the French power can hardly reach. In the meantime, as the repeated attempts to assail us in this direction are quite inevitable, and ought not to discompose us; so, neither should their partial success create any undue alarm. We must lay our account with finding the rest of Europe no longer free; and accommodate our conduct to the novelty of our circumstances. All direct intercourse with our allies being of course at an end, it is needless to observe, that we should cautiously abstain from any new attempts at stirring them up against France. Such attempts, if successful, could only lead to a wanton waste of blood and treasure, render the sway of the enemy more intolerable, and our own character more odious. We must be on our guard against listening to fables of insurrections. An appearance of impatience under the yoke may from time to time show itself in different parts of the Continent; but, far from such single and divided efforts tending to its emancipation, they must arm the tyrant

with new powers, and only ruin their instigators. With respect to Spain, surely the common feelings of humanity, as well as the soundest views of policy, should incline us to wish, that when the struggle of that gallant people is over, peace may as speedily as possible be restored to them. Their spirit has already been sufficiently exerted, to secure them a reign of mitigated severity. For the present, this is all they can expect. It would be bloodthirsty and dastardly in us to foment petty insurrections, after the only contest is at an end from which any good can spring, in the present unfortunate state of things. Nor will it be of any avail to cry out against this doctrine as pusillanimous, and to abuse us as recommending a base submission to France. France has conquered Europe. This is the melancholy truth. Shut our eyes to it as we may, there can be no doubt about the matter. We shall afterwards consider how far a better prospect opens in the background; but, for the present, peace and submission must be the lot of the vanquished.

But it is not only consistent, both with right principles and with our interest, to avoid stirring up the conquered states against France, and even, if we have an opportunity, to discourage any premature resistance on their part:—we ought also, in the conduct of our own warfare against that country, constantly to keep in mind, that our whole quarrel is with her; and that with her vassals we have no ground of difference, unless their interests and inclinations are identified with hers—or unless no other means remain of affecting her strength materially, and providing substantially for our own security. It is not enough, that, at her instigation, the Tagus should be shut against us; or even that the Court of Lisbon should break off all friendly intercourse with us. A wise policy would not, on this account, prescribe a blockade, and still less a bombardment, which can only tend to distress the inoffensive people—the unwilling instruments of our

enemy's malice. Even if a few ships might be got at the expense of such measures, it is, in all probability, better policy to preserve our character for generosity, and take the ample chance which remains of capturing them when they shall venture out to sea. Of course, no rule of this kind can be laid down absolutely. A fleet might be so large, and arsenals might be capable of fitting out so formidable an armament against us, that when they had fallen under the enemy's control, it might be necessary to attempt their seizure, though at the risk of inflicting great calamities upon the place where they are situated. But if England has recourse to such extremities only when the magnitude of the object justifies them, her plea of necessity will be generally recognized; and her character will not suffer in the estimation of the world. Judging by these principles, the alleged object of the expedition * which has been so long preparing does not seem liable to reprehension, provided that all hopes of assisting our allies are gone, and that an attack upon Holland forms no part of the plan. If we can now do nothing better, the destruction of the fleet in the Scheldt may be worth our while; because the expense of the enterprise may not be much greater than the cost of blockading the mouth of that river. But the preparation of this armament, the greatest ever sent from our ports, for an object so exclusively British, and confined within so narrow a sphere, at a moment when it might have decided the fate of Austria or of Spain, forms one of the gravest charges against the management of our military affairs. For the rest, it scarcely deserves to be remarked, that, *cæteris paribus*, enterprises of this kind should be directed against the arsenals of France, in preference to those even of her most obedient and willing vassals; to Brest,† for example, rather than

* Walcheren.

† Antwerp comes properly under the same description; but it cannot be attacked without commencing operations against Zealand, which is certainly a drawback.

to Cronstadt; but much rather to Cronstadt than to Ferrol or Cadiz, supposing them in the enemy's hands. In truth, Russia has been unaccountably spared in our plans of maritime warfare. We may be assured, that she is completely with France in the present contest. The merchants of St. Petersburg and Riga, and many of the landed proprietors, are certainly favourable to an English connexion; but those classes go for nothing in a country like Russia; and, though they counted for something any attack upon the arsenals, while they are discontented with the measures of their government, could not greatly affect their feelings towards us. In all probability, such a step was the only one by which any prospect could be afforded of detaching Russia from France during the present war in Austria. All such schemes, however, when planned without any view of making a diversion in favour of a general attack, are of small importance; and, now that war on the Continent is over, nothing could be more unwise than to extend them beyond those arsenals, from which an immediate danger to this country may be apprehended. It is by conciliatory, or at least inoffensive conduct, even towards the confederates of France, that we can now best defeat her schemes; and to oppose her, not them, should be the great end and aim of all our plans.

This leads us to consider the only serious risk to which the subjugation of the Continent has exposed us —the war which it enables France to make upon our trade. It may be expected that she will speedily cause orders to be issued for the exclusion of the British flag from all the ports of Europe. But these will be executed very imperfectly in some countries; in others, they will be little more than a form and a name; in none will they be rigorously enforced—except where French troops are stationed in great numbers — or where, by some violence of our own, we may render the inhabitants as hostile as the French themselves. The temptations to evade orders of this description are

so strong, that connivance may, in general, be expected on the part of the Government; and we are always sure to find the people in favour of the evasion. Even in Holland, the whole French power has for years been maintaining an unequal conflict with the interests of merchants and consumers; in whose favour the inclinations of the civil functionaries almost always, and of the French soldiers themselves not unfrequently, are found. To execute similar mandates in the Adriatic or the Baltic, where comparatively few French agents of either description are scattered, amounts to an impossibility. The armies of France could not exclude our ships effectually from the ports of Spain alone, were they all distributed along the coasts of the Peninsula. But a very considerable diminution of our trade must be occasioned by these attempts; and that which can no longer be carried on in British bottoms, will be transferred to neutrals.

But, even if we were to suppose that our exclusion from the Continent was complete, and that the whole trade between this country and the rest of Europe passed through the hands of neutrals, it does not appear to us that any very ruinous consequences would follow. Our shipping, instead of sailing the whole way from England to the foreign markets, would be employed in carrying goods to and from some convenient entrepôts; while the other part of the voyage would be performed by neutrals,—or, if we as well as they chose to connive at it, by the shipping of the continental ports themselves. We should retain the whole of our colonial and coasting trade—and should carry to and from our neutral customers a great deal more than we now do—more, *to wit*, in proportion to the tonnage which they would be employing in the trade between the entrepôts and the Continent. Thus, instead of carrying goods in 1000 tons of British shipping direct to Trieste, we should employ 500 tons in carrying the same goods at two trips to Malta or Gibraltar;

from whence 500 tons of American shipping would continue the voyage to the Adriatic—while the other 500 tons of British shipping would naturally occupy the place of the same American tonnage displaced from the trade between England and America. In order to facilitate such a change, the possession of Minorca might probably be found useful—as well as of Milo, or some other island in the Levant;—and Heligoland will prove advantageous, in the same point of view, for the trade of the North. The possession of Sicily* for such purposes, when we have Malta, seems altogether unnecessary;—and our own coasts are so conveniently situated for France and Holland, that very little temptation is presented by any of the Dutch islands.

As long, then, as a neutral carrier remains, we are secure from any serious loss of trade or navigation, even if the exclusion of our flag from the Continent were far more effectually accomplished than in all likelihood it ever can be. The enemy will therefore proceed a step farther, and cause his vassal states to adopt the famous Berlin decree, or at least so much of it as prevents vessels which have touched at British ports from entering the ports subject to his influence. But it must be our own fault if he ever succeed in executing this prohibition, even in his own states; and still more difficult of execution will it prove in places where there is no French agent to watch over it. No man can feel very apprehensive that an American from Malta to Trieste would run any great risk of condemnation as having touched at a British port. All the vigilance of our cruizers, eager after prize, and restrained by no one common interest with the neutral,

* The expense of our military establishment there is a serious evil; and that force being locked up on so useless a service has, during the late critical times, been still more unfortunate. We have done more than enough for the acquittance of our debt to the Sicilian court, which must be left to itself, if it persist in opposing the only measures which can either enable the island to defend itself in the meantime, or render it ultimately secure from the attacks of the enemy.

is every day set at nought by the arts which he practises to conceal the matter now in question—the port from which he last sailed. The custom-house officers at Trieste are strangely constituted, if their acuteness and zeal increases with the difficulty of the detection, and their own interest to avoid the scent.

There is one way, indeed, of preventing a neutral from ever escaping seizure—and a way, too, which is practicable to England alone. She may renew the famous Orders in Council—and thus make it plain to every revenue officer on the Continent, that every neutral which enters is lawful prize; but, unless some such measure is adopted, we may set all the decrees of our enemy, and all his tributary states, at defiance. Virtually the Orders in Council have most wisely been repealed—if indeed a relinquishment of the most foolish measure ever conceived in any country deserves the name of wisdom. In their place has been substituted a plan more consistent and intelligible, and much more limited in its operation; but, in principle, quite as unwise—and, so far as it goes, equally hurtful. Those parts of the enemy's territory which adopted the Berlin decree, have been virtually blockaded. It is manifest, that if the Berlin decree is adopted by the whole Continent, and this blockade extended with it, in proportion to its rigorous enforcement will be the destruction of our commerce. In whole, or in a considerable part, we must depend upon neutrals for continuing our intercourse with the Continent. The blockade cuts us off from this only means of carrying it on; unless, indeed, we expect that our own vessels shall be admitted the more freely, the more we exclude those of neutral nations. The wretched folly of this system is, that it succeeds against the neutral, and against ourselves, as completely as heart can wish; but, for any good that might be expected from it, we must depend upon the enemy. We can prevent, what our enemy never could do of himself, a single bale of British goods from find-

ing its way into the Continent on board an American vessel; but, when we come to the main point of getting it on board of our own vessels, we find that the enemy will not consent. As for the wild fancy of starving Buonaparte out by this mode of warfare—of appealing from the strength of his government and the force of his armies, to the desire of sugar and coffee among his subjects—nay, of appealing from his own hatred of England to his tenderness for his people—what shall we say, but that it is worthy of those who expected to overpower his feelings by the dearth of medicines, while they were accusing him of butchering his prisoners in cold blood, and getting rid of his sick soldiers by poison?

It follows demonstratively from what has just now been stated, that the neutrality of the New World is our best safeguard from the subjugation of the Old. While America covers the ocean with her ships, England may defy the conqueror of Europe;—she will trade, in spite of him, with his vassal kingdoms—nay, with the ports subject to his own immediate dominion. He can only destroy her European trade, by putting an end to the neutrality of America,—and by causing all Europe to do the same. It is the interest of England, first of all certainly, to remain at peace with America; but next, that America should remain at peace with the rest of the world. The interest of America is one and the same;—and, if this common object is pursued, the only free states that now remain, may defy the common enemy of civil liberty and national independence. How ridiculous then is it to make a rupture between America and France, the chief object of our endeavours!—Except a rupture between America and England, it is the greatest evil that could befall us; and yet we are perpetually running after the one of those ills, at the risk of encountering the other;—threatening to inflict upon ourselves the calamity of a war with America, if she will not do us the injury of

going to war with France;—threatening to cut off our whole trade if she will not instantly destroy one half of it. The season of conciliation with her is happily not gone past; and it is to be hoped that the popular feelings on both sides, are considerably more calm than they were a few months ago. No concessions are required from either party; for America is willing to waive the immediate discussion of former differences; and all that England hesitates about is, to allow America to retain the undignified attitude of an *unarmed* remonstrant against the idle decrees of France. That she ever should acquiesce in those decrees, is utterly inconceivable. No man has dreamt of it;—no man has ventured to assert that America would suspend her intercourse with England, merely because France asked her to do so, and threatened utter impossibilities if she did not comply. The whole question is, whether we shall quarrel with America, because she is less resentful of empty insult—less jealous about airy trifles than we are? Let us rather rejoice that such a nation is to be found—ready to bear those rubs which we are too proud to put up with,—and to save our honour, trade, pride, and all together, at the expense of its own dignity. The friendship of such a nation, and its neutrality with respect to the rest of the world, is now become invaluable to us. We should purchase it cheaply by great sacrifices; but, from a happy concurrence of interests, we have it absolutely for nothing; and the sacrifice, if any be required, is tendered by America to France, not to America by England.

It is impossible to leave this branch of the subject without adverting to the strange delusions under which the country has so long laboured, with respect to what are termed points of national honour; and these are the more dangerous, because they have their foundation in the best feelings which a people can cherish,—or rather, they are an imposition practised upon those feelings. The practice is, amongst vulgar politicians,

to assert on behalf of the country, a variety of very doubtful, or even unfounded pretensions,—to maintain them as undeniable rights,—and to contend that the degradation of the state, the ruin of its honour, and a speedy termination of its independence, is the immediate consequence of receding from any one of those claims. Now, to us it is by no means so clear, that the abandonment of the clearest right which a nation can possess, necessarily involves either its dishonour or its ruin; unless there be something important in the thing given up—or something humiliating and base in the thing submitted to—or, finally, something disgraceful in the mode of yielding the point. To allow the search of national ships, would be degrading, because it cannot be practised without constant humiliation to the feelings of part of your troops. Rather than submit to this, a people should be prepared to perish with their swords in their hands. And accordingly England, with perfect wisdom, as well as a strict regard to justice, did not even ask America to yield this point. On the other hand, England claims the right of searching private vessels—and, as it appears to us, justly. Nor could she, consistently with honour, have abandoned it, when the Northern Powers had once publicly threatened to make her give it up by force. But the value of that right was not above all estimation; and no degradation could have ensued from fairly agreeing to waive it previous to any menaces, and for a just equivalent. In favour of nations, whose friendship we wish to cultivate,—more especially of those whose power is altogether inferior to our own,—whose aggrandisement we have no reason to dread,—and to whom no one can suspect us of yielding through compulsion,—it may often be wise, and never can be dishonourable, to make temporary concessions of rights which are indisputably ours, provided the compromise is not discreditable in itself. Much more easily may cases of this sort be figured in

our transactions with a people naturally united to us by so many indissoluble ties as those that knit together the English of the Old and the New World. They are our natural allies; and, as it is quite impossible to have too much jealousy of France, so, towards America, we can scarcely have too little. When some reasoners gravely talk of our being insulted by the Porte, we plainly perceive the errors of men who have lived in the immediate neighbourhood of the Turks, until they have forgotten their insignificance. But when France is stretching her iron coasts on all sides of us,—when her fleets and her camps are within sight—and we alone, of all Europe, have not been conquered by her arms;—it is almost as ridiculous to be jealous of America as of Turkey—of a nation three thousand miles off—scarcely kept together by the weakest government in the world,—with no army, and half-a-dozen frigates—and knowing no other means of intercourse with other countries than by peaceful commerce.

While we reserve all our jealousy for France, then, let us at last learn, that kindness towards our allies is sound and honourable policy. It has never been sufficiently our aim to attach them by liberality to our cause. We forget that their strength is our own—and fall far short in this respect of France herself. Had she been in our place, Russia might have had Malta for the asking, and a West India Island or two to boot. America would never have been left to quarrel about trifling speculative points; and, instead of a silly contest about the little company of Ostend, and its yearly shipment, Austria would have been complimented, had she been so disposed, with some millions of subjects in Hindostan. We have never learnt the lesson of making our friendship worth having; and the consequence is, that our enmity has not been very dreadful.

To some of our readers it may perhaps appear that we have dwelt too long upon the commercial interests

of the country, in a general discussion of its foreign affairs. But the question between France and England has, since the subjugation of the Continent, become entirely commercial. The war of the enemy against our trade, is now the only contest that remains. While our naval superiority lasts, he can never acquire seamen, unless, indeed, we force all neutrals out of the market, and compel him to carry for himself—which, though in a limited degree, he will then do. It has repeatedly been shown by the adversaries of the Americans, that they drive even the coasting trade of France. This fact is quite irreconcileable with the notion of her having any nursery for seamen; and those active mariners will doubtless engross the greater part of the trade between the other countries now subjected to France. The stations formerly mentioned in the Mediterranean and the North, will be sufficient to watch any naval armaments that may be attempted in those quarters; and the danger of invasion, though unquestionably increased in a very great degree, is by no means such as should make us despond, while we have still the means of supporting our fleets, and carrying on with unbroken spirit the business of the government.

It is with no small satisfaction, however, that we now think our despair of the fortunes of this country, and of the ultimate fate of the Continent, is much less deep than that which is spreading rapidly over the community. A better spirit has of late begun to manifest itself among the people of England. The language of conciliation towards neutrals has been listened to with more patience. The popular antipathies have been pointed more exclusively against France. A marked contempt of those silly half-measures, which the government has generally adopted in the conduct of the war, begins to be displayed; the folly of what are misnamed British objects, is daily more and more recognized; and a wish seems about to prevail, that we

should either direct the resources of the empire to some worthy object; or reserve them for our own defence. To say nothing of the great commander who has lately appeared, these are excellent symptoms; and we devoutly pray that they may daily improve. Nor can we see, without satisfaction, the prevalence of an inquiring spirit as to domestic abuses,—the stern aspect which the people, awakened from its apathy, has turned upon the malversations of the higher orders,—and the signal failure of all the miserable attempts to cry down reform, by the raising the yell of Jacobinism. From the progress of these experiments, we augur most favourably for the stability of the empire; because we foresee an improvement in the administration of its affairs at home and abroad. It is plain, too, that in spite of all our attempts to save them, the abuses of other governments have destroyed them; and, with the governments, the abuses themselves have for the most part been crushed. The states which France has overrun, cannot continue in their former weakness. To the decrepitude that bent them down before her, must succeed a period of vigour, which, after making them useful as her coadjutors, will hereafter render them turbulent and formidable. The evils of the changes which she has made in their government and in the distribution of their territory—the incalculable mischiefs of the military spirit which she is diffusing will, at a future season, be alleviated by the means which they will afford of resisting her oppressions. Should any disaster befall her present ruler,—or when he yields to the course of nature,—it requires no gift of prophecy to foresee, that the strong government and improved system of administration which he has established in his tributary kingdoms, will raise an insurmountable barrier round France, on whatever heads his many crowns may fall. Then will England be enabled to resume her place as the arbiter of Europe —to count among her natural allies all those nations

whom France shall for a season have been holding in thraldom—and to establish her connexions with a set of able and vigorous dynasties, instead of so many worn-out governments—masses of feebleness and abuse—whose friendship has hitherto been known to her, only by its vexations and its costs.

When the tempest has overturned the venerable but inwardly decayed trees of an ancient forest, two results may be anticipated from the visitation. The space where they stood may be covered for ages with a loathsome and unprofitable morass—or a new wood may arise from the fertilized soil, more gracefully disposed, and more firmly rooted—less gloomy and unhealthful, and less entangled with the base undergrowth of creepers and brambles. We look confidently for the last of these events—and trust that, instead of trying any more to lift the dead and fallen trunks, or to prop those that are already tottering in the blast, we should reserve our exertions to prepare the soil for the new shoots by which they must soon be replaced, and train the rising grove to flourish in the sun, and bid defiance to the storm.*

* The Date of this Dissertation is July, 1813.

ON THE

MAKING AND DIGESTING OF THE LAW.

WHOEVER considers the statutes made in such numbers, whether public or more general, or local, and regards also the manner in which they are prepared and passed, will admit at once that there is a fundamental imperfection in our whole course of Legislation. I speak not of the principles which guide it, but of the machinery by which it is carried on. Let us but consider how this defect might be perceived and its consequences foreseen, before any experience had taught us a lesson on the subject. Let us afterwards illustrate these inferences of our reason by the lesson taught, and never more forcibly taught than during the last Session.

Our Laws are prepared by individuals, or by Boards in connexion with the Government; but there is no communication between those parties from whom the different Bills proceed. Hence, there is no guarantee whatever against the most manifest inconsistencies in their various provisions.—But again, each party has one particular object in view, and his Bill is framed to obtain that object. Hence, an almost entire disregard, not only of general principles, but of former statutory provisions. It is evidently impossible that Bills so prepared can be at all safe to pass.—But the evil stops not here. After any one is introduced it undergoes alterations, first in one House,—alterations made wholly without regard to the portions left unchanged. Then in the other House new changes are made, without any regard to the proceedings in the former. Of course, I

speak only of many instances; for such want of precaution to avoid errors cannot prevail in all the alterations made. But, whoever has attended to the manner in which Bills are first framed, and then altered during their passage through Parliament, must be aware what gross blunders are committed; and that such blunders are inevitable so long as the work is prepared by various unconnected parties, without any superintendence. Thus, it has often been said, that the scissors of the draftsman make many a clause; and so does the pen of the amender. Hence, nothing is more common (as Lawyers who answer cases well know) than to find one section of a Statute referring to something as aforesaid, when nothing of the kind was said before; but the section had been cut out of a former Act, in which there had been an antecedent, which was not taken. Thus far the scissors; but so too of the pen.—I was astonished to find my Patent Bill of 1835, in one or two places, made wholly insensible, when it was returned from the Commons. And how? By the Members there introducing new matter wholly at variance with the old, which they left unchanged. But though much embarrassment was sure to arise in Courts of Law and Equity from this blunder, I was forced to submit, on pain of losing the Bill. In 1834, I was compelled to alter a clause sent up from the Commons, which would have suspended all the Criminal Justice of the country from the next October Sessions. The Commons were angry at their blunder being detected, and threw out the Bill, depriving the country of a very valuable measure; for such it was, all except that erroneous portion.

Of the havoc made by careless drawing, an instance —I admit an extreme one—is sometimes cited in that notable feat of the legislative scissors, which awarded one moiety of a penalty, namely, transportation or whipping, to the person suing for the same; and another to his Majesty, his heirs, and successors.

If it be said that there is sufficient security against

the discrepancies, or the oversights of the draftsman, in the discussions of the two Houses, I would answer, first, by referring to the innumerable clauses which come yearly before those bodies. I take up the first year's Statutes that come to my hand, those of 1833, and I find them to contain 2,600 sections, beside somewhere from 90 to 100 printed pages of schedules; to say nothing of 159 private or local Acts, with their hundreds or thousands of sections and schedules; and this, before the Railway fever broke out; after that calamity, we saw in one Session four or five hundred Acts, with 13,000 or 14,000 clauses. The impossibility of due attention being paid to each clause in each Bill is thus quite apparent.—I would, for further answer, refer to the undeniable fact, that they who have the care of any Bill are only occupied with having its main provisions carried, and take little heed to the details.—I would, thirdly, refer to the fact, staring us in the face, that the draft of the Bill is, generally speaking, to be found in the Act, with all its sins of omission and commission, increased by the errors which creep in during its progress.

But it would be endless to illustrate by the facts those inferences which seem *à priori* so manifest. I fully showed them in my statement of the case, in the Lords, 12th May, 1848, on presenting the Criminal Law Digest. I showed, first, that one Statute was constantly made without looking at former Statutes on the same subject. Thus, in one Session, 1845, three Bills were passed,—all Government Bills—all dealing with matters so momentous, as Lunacy, Trade, Smuggling,* and all giving double and treble costs; although, in 1842, an Act had been passed abolishing such costs in all cases.† But the legislative memory proved to be shorter still; for not only the Acts of one Session were forgotten in another, but the provisions in one section

* 8 and 9 Vict., 27; 8 and 9 Vict., 23; 8 and 9 Vict., 87.
† 5 and 6 Vict., 29.

of the same Act were forgotten in the next; the lawgiver's memory did not last from sect. 95, giving costs to be paid by a rate, to sect. 98, laying them upon the party.* Nay more, like a dotard in the last stage of mental imbecility, not only that is forgotten which has been said a few minutes before, but before the sentence ends the recollection is lost of what it began with. See the highly important Evidence Act, 8 and 9 Vict., c. 113, where the very material provision respecting documentary proof is made wholly unintelligible by this process of mental aberration.

To go no further, however, than the Diction—I took leave to state certain obvious principles which should guide the lawgiver, and indeed the author of any composition meant to be understood by others, especially if it be designed to govern others; and I showed how these principles are all violated in practice—I mean the golden rules—always to use unequivocal and plain words—never to employ one word in two senses, or different words for the same purpose—never to assume any meaning not expounded previously—never to enact by reference to other Statutes, or if you must, carefully to follow the words referred to.—As an instance of that habitual breach of those rules, in which we lawgivers live, I showed that in one Session, 1844, we had four several ways of enacting one thing, viz., that the Statute should be a public Act; eight ways of providing that the Act might be altered or repealed in the Session; twelve ways of repealing other Acts: and I gave the particulars of these things in a paper which I laid on the table of the House. I then referred to an Act, of all others requiring the greatest care in its composition, the Poor-Law Amendment Act of 1846 (9 and 10 Vict., 66). Yet here changes are rung on the important words of time—"is," "was," "shall be," "may be," "may have been," "shall have been;" so that the

* 5 and 6 Vict., 50.

Courts had found it impossible to discover what is prospective, what retrospective: and no less than three-and-forty cases were pending upon the construction of an Act only two years old. Also the intention being clearly to shut out only appeals on form, giving appeals on the merits, the words used are of such doubtful sense by reference to the older Acts, that in ten years the Recorder of Birmingham had only known two appeals brought. The learned Judges are thus placed in a most painful predicament; and scenes are exhibited in Courts singularly calculated to bring the Law and the Legislature into contempt. Such scenes are the following:—

In Rex *v.* Phillips, Rex *v.* Jones, Rex *v.* Pocock (8 Q. B. R. 740), we find the Lord Chief Justice Denman observing, "It is impossible not to express regret that such loose language should have been employed." —"There is hardly a case respecting which doubts might not be raised." After observing that the words exclude the very cases which ought to have been affected by the provisions, his Lordship adds, "I only hope that we may have some enactment made to show us what Parliament really does mean." Mr. Justice Patteson and Mr. Justice Williams entirely agreed with his Lordship; and all joined in lamenting that the decision they were compelled to give frustrated the probable intention of the Legislature.—In another case (Rex *v.* Recorder of Bath, 9 Ad. and El. 837), their Lordships were obliged to decide against a right of appeal plainly intended to be given, but which was given only by reference to another Act, that did not give it; and they lamented that the Legislature had proceeded by way of reference, instead of directly telling what it meant. The learned predecessor of these same Judges (Lord Tenterden), in the like circumstances, when endeavouring to construe an unconstruable statute, said, "The Legislature cannot be deemed *inops consilii*, but we may lament to find it *magnas inter opes inops*."

The havoc made by the new and pernicious insertion of the Interpretation Clause, which makes draftsmen doubly careless, and introduces doubts of its own, though intended to remove all doubts, was also dwelt upon by me. Thus, by the egregious absurdity of thrusting an exception into a definition, the important act requiring Registration of Joint-Stock concerns, is made to exempt all Companies requiring acts to work them.—Again, the meaning affixed to words is to hold *unless where* the context points otherwise—nay, sometimes, as in 7, 8 Vic., 15, "unless otherwise *specially* provided, or that the *subject* of the context is repugnant," and yet no definition is given either of *special or subject.*—Again, in 7, 8 Vic., 122, s. 70, it is declared that the Act "shall be construed by *analogy*, to the laws *in force* relating to Bankrupts, and the *practice* thereof," when no man can tell how to construe by *analogy*, or what laws at any given time are in *force*, or what is the *practice* of these or indeed of any laws. —Then the scissors are used with Interpretation Clauses as well as others, and with the wonted result. Thus in the General Town Police Act (10, 11 Vic., 89), which was intended to be the model of all future Acts, and should have been drawn with the greatest care, *Cattle* (in respect to over-driving), is defined to mean horses, mules, sheep, goats, swine, in short all the animals least likely to be over-driven, while oxen and cows, so much more likely to be over-driven than goats and swine, are wholly left out.

But it is not only from inadvertency, and want of communication between the authors of legislative measures, that evil consequences arise. Worse evils may result from deliberate plans of interested parties, in their own favour, against the public good. This is much more likely to happen in private than in public acts, yet in both departments it may have place. An Irish enactment was thrust into the Bankrupt Bill of 1849, and framed to bestow a life interest in one removable office, and a right in reversion to another, upon a

high Law Officer's near relative.—Again: a strenuous opposition was made to an Act, at the very close of the same Session, that Act suspending one, which had been passed from inadvertency, but which benefited a certain great estate at the expense of all others. The resistance which I had great difficulty in overcoming, proceeded apparently from the owners of the property in question; but the Bills were both of a general nature, and one of them professed to be an Act for the amendment of the Law! In private bills these things are constantly attempted, and the attempts do not succeed only because Lord Shaftesbury formerly, now Lord Redesdale, and their able secretary, watchfully scrutinize all such Bills. Yet some contrivances escape their vigilance. A great Railway Company some years ago got a clause passed, which made an entry in their own books evidence of the payment *by* them, not *to* them, of considerable sums of money.

All these statements of mine in May, 1848, were greatly confirmed by the history of the Bankrupt Bill, in 1849, and which in some places was made ineffectual, and in others unintelligible, by the alterations in the Commons after it had been passed by a Select Committee in the Lords, with the aid of the Bankruptcy Commissioners, whom the Commons did not examine.

Can any one doubt that Parliament must now adopt some method of placing under proper and able, as well as honest and responsible superintendence, the preparation of all Bills, and the watching of their progress through both Houses? In 1846, I laid before the Lords twenty-four resolutions, propounding a scheme of this description. The principal provision was the appointment of a Board or Court of five members, irremovable without address of both Houses, to which either House might refer any Bill, and whose opinion might be taken upon the draft of any Bill before its introduction. It was part of the plan that

all questions of fact might be tried, and reports in the nature of special verdicts returned on all such points, the two Houses only omitting in their proceedings the Committee and Report, but either House having the full power either of remitting to the Board, for inquiry, or of taking evidence itself, notwithstanding the Board's Report. I well knew that this would hardly ever happen, and that in almost every case the verdict of the Board would be conclusive. My New Orders of 1837, for the Lords, now become the law of both Houses, and I will take leave to add, the wholesome law, have not precluded either House from investigating the matters referred to Select Committees; but this has in no one instance been done, and our House has acted under that salutary system for nearly twenty years.

Can any one doubt that all the errors which I have shown to have been committed in the Bankrupt Bill would have been avoided had such a Board been in existence? It was by the mere accident of reading an anonymous letter that I became aware of the famous clause in the Irish Bill—a clause which, if passed, would have disgraced more parties than one—but one party to the disgrace would have been the Legislature itself. Had such a Board existed, should I have now lying before me the Act passed on the day of the prorogation, declaring another Act, passed a month before, wholly inoperative until next June, "in the same manner as if it had originally been enacted not to come into operation before that time?" The havoc is inconceivable which the former Act, so hastily, so rashly passed, would have made, without its authors intending it. Most entailed estates would have been affected by it, and with respect to some 2,500 cottagers, on one estate which I know, it is probable that all of them must have been served with ejectments. I presented a petition signed by the twelve greatest conveyancers, setting forth this evil; and I was, indeed, a little astonished to hear some thoughtless persons in

considerable station ask, "What signifies Mr. Brodie and the other conveyancers?" as if on a question of submitting to an operation, the patient were to say, "What signifies the opinion of Sir B. Brodie and the other surgeons?" No doubt the House was master of attending or not to the opinion of the one brother, just as the patient is of attending or not to that of the other. But I presume to think that the public interests are more safe in the hands of less confident and presumptuous mortals.

It would be endless if I enumerated all the reasons which concur to recommend the improvement suggested in our legislative system. No person, nor any department of Government, would be bound to follow the advice of the proposed Board, or to lay before it any proposed Bill. The privileges of both Houses, and of all the members of each, would remain inviolate. But a helpmate would be provided for all, both Government and individuals, and for both branches of the Legislature; a helpmate whose aid both in preparing Bills before their introduction, and in watching them during their progress through Parliament, would be altogether beyond any estimate we can form of its value. Nor is it only in preventing error, and in improving legislation, that it would be of inestimable use. The mere saving of time would be incalculable; and this consideration is now become of such importance that Committees have actually been sitting to inquire how debates may be shortened, so as to render it possible to transact the business of Parliament, it being discovered that the Parliamentary sitting has but narrow limits, and that the desire of Parliamentary debate has no limits at all. I would have the private as well as public Bills subject to a like examination; and this from no distrust of the Chairman of the Lords and his able and learned Secretary. But surely it would be better, seeing that their veto on any clause is now regarded by both Houses as final, if the same supreme

power were vested, not in a single individual, how highly qualified soever for the task, but in a responsible and irremovable Board.

It may be deemed too sanguine to express a hope of seeing so reasonable, so safe an improvement introduced. But I derive consolation from reflecting that my Orders of 1837 really aimed at a larger measure of change, and were not a little opposed by private, especially by professional interests, and that yet they were carried with a singular unanimity. I trust to the powerful aid of the great man whose sagacity at once perceived the benefits of that plan, and to whose steady support I mainly owed the power of carrying it into execution.*

Finally, I remember the maxim of one very far indeed from giving way to rash schemes of legal change,—nay, one of the greatest optimists respecting our Jurisprudence—Lord Coke—who has left to his successors this memorable saying to cheer them in their labours for Amending the Law—that no good proposal, however little acceptation it might have at first, ever failed in the end to bear good fruit.

Hitherto of the process of Legislation. But the Lawgiver's duty is not only to make his statutes intelligible and consistent; he is bound to promulgate them in such a form as shall make their different provisions clearly understood in their relation to each other, and to give those from whom he exacts obedience, his commands in his own language, instead of leaving them to

* Duke of Wellington. In fact, I propounded, and by his strong advice, a more effectual plan, the basis of that of which I here renew the proposal, and a plan which very much originated in his suggestion, when we worked together upon a similar subject in defeating a most blundering and reprehensible Bill brought up from the Commons in 1834,—that plan was the appointment of a Joint Committee of the two Houses, five Lords and seven Commoners, sitting under a Judge examining the whole disputed facts of the Bill, and returning a verdict to be binding, in point of fact, on both Houses. We argued in favour of this plan; but were obliged to be content with the Committee of five in each House, acting under the strict rules laid down in the Orders.

gather their knowledge from other quarters:—in a word, he is bound to furnish the people with a Digest of the Laws. This is so clear that it seems superfluous to argue at length in favour of a Digest or Code. It seems enough to state the meaning of the word. For who can seriously doubt, that the greatest advantage must arise from having the whole law respecting crimes and punishments, and respecting the mode of procedure in discovering the criminal and trying the charge, reduced to a regular system, with every offence accurately defined, every infliction plainly described, every step in the pursuit of the offender, and the investigation of the case, clearly chalked out. Who can doubt that this work must not only be of essential use to the Judge and the practitioner who have to administer the Law, preventing misdecision, making the escape of the guilty difficult, and the condemnation of the innocent impossible,—but that it is sure to give the community a clear notion of the things which the laws command, and those which they forbid,—a knowledge which it is the bounden duty of the lawgiver to impart, and which it is the manifest right of the subject to obtain? The aversion which some have conceived to the proposition of the State preparing and finishing such a Digest, proceeds partly from professional prejudice, and partly from a misunderstanding of the plan. If the former may not be so easily counteracted, at least a little explanation may remove the latter.

1. In the first place, then, I have seen very few who hated the name of a Code that had not taken up a notion as wide as possible from the truth, of what is intended thereby. They seemed to conceive that the whole fabric of the old law was to be levelled with the ground, and a new and fanciful system erected in its place. Some countenance to such a fancy may have been derived from the fact, that the strongest advocates of a Code have also been the most unmeasured in their invectives against the existing law, and the

most vehement, and often, it must be admitted, the most inconsiderate in their demands of a change in its provisions. But it must, at the same time, be borne in mind, that some of the most unsparing law reformers have, given their testimony in favour of the legal resources of our own country; and have shown, by their panegyrics upon the vast riches of our legal treasures, how well disposed they were to retain a very large proportion of the established jurisprudence, how well contented they would be to have a methodical arrangement of the laws as they now stand, and how willing to let their character of *Reformers* merge in that of *Codifiers*, which they prized to the full as highly. I at once name Mr. Bentham, as both the most unsparing critic of existing institutions, and the greatest advocate of a Digest. "Traverse," he says, "the whole continent of Europe, ransack all the libraries belonging to the jurisprudential systems of the various political States; add the contents of all together, and you would not be able to compose a collection of cases equal in variety, in amplitude, in clearness of statement,—in a word, in all the points taken together, in instructiveness,—to that which may be seen to be afforded by the collection of *English Reports of Adjudged Cases*, on adding them to the *Abridgments* and *Treatises*, by which a sort of order, such as it is, has been given to their contents."—(*Papers on Codification*, published in 1817.)—I will name another authority, but of a different kind. Mr. Bentham thus wrote in recommending a Code, which he lived not to see attempted. The following is the language of those whom Napoleon employed to prepare the Code which he actually made the law of his Empire: "Le legislateur (say these enlightened and learned lawyers) ne doit pas perdre de vue qu'il faut etre sobre de nouveantés en matiere de legislation, par ce que s'il est possible dans une institution nouvelle, de calculer les avantages que la theorie nous offre, il ne l'est pas

de connaitre tous les inconvenients que la pratique seule peut decouvrir; qu'il faut laisser le bien, si on est en doute du mieux; qu'en corrigeant un abus, il faut encore voir les dangers de la correction meme; qu'il seroit absurde de se livrer a des idees absolues de perfection dans des choses qui ne sont susceptibles que d'une bontè relative; qu'au lieu de changer les lois, il est presque toujours plus utile de presenter aux citoyons de nouveaux motifs de les aimer; que l'histoire nous offre a peine la promulgation de deux ou trois bonnes loix dans l'espace de plusieurs siecles; qu'enfin, il n'appartient de proposer des changements, qu'a ceux qui sont assez heureusement nès pour penetrer, d'un coup de genie, et par une sorte d'illumination soudaine soute la constitution d'un etat."—(*Conference du Code Civile*, Disc. Prelim., p. xviii.) In digesting the French laws, and making for the first time one uniform rule for the whole country, it was manifestly impossible to act entirely according to these very cautious maxims, because the customary law in very many places was of necessity to be abrogated, and a new system substituted in its place. The same thing cannot in any way be said of this country, hardly of any other country in Europe except France. But the shortest and simplest answer to the objection which I have mentioned, is the undeniable fact, that they who insist upon the right of the subject to the inestimable benefits of a clear and intelligible statement of the law, and upon the duty of the Government to furnish one in return for the obedience which it exacts to that law, meddle not at all with any legislative improvement: they only require an explicit and well designed statement of the law as it actually exists.

2. I hope it will not be deemed inconsistent with this assertion if I add, that among other benefits of a Code is this,—it facilitates an amendment of the existing laws, by pointing out the respects in which they fail to accomplish their object, the prevention of wrongs and

the enforcement of rights. Nothing can render more valuable help to the Law-Reformer than a good digest of the existing laws; but this is only an additional benefit of the Digest, and has no necessary connexion with it.

3. The accustomed objection to all the improvements which can be introduced into human polity, or, indeed, into any branch of human affairs, is lavishly urged against a Code. We are told to look at its unavoidable imperfection, and to reflect that it will no sooner have been compiled and promulgated, than fresh doubts will arise to require solution, disputes will be engendered on the construction of its provisions, and the application of the Code to practice will be found no easier than that of the ancient law. Part of this allegation is unfounded, and the rest of it is merely a new form of affirming the old and melancholy truth, that no human work is perfect. The assertion is wholly unfounded, that no facility will be afforded by the Code beyond what we now have in applying the old law; because the bringing together the scattered provisions of that law, the reconciling its conflicting passages, the explaining its doubtful or obscure parts, the extinguishing what is obsolete and only existing as a trap capable of being used when and where it least should be called into a mischievous activity,—the removing what is in reality abrogated, but still encumbers the field, raising doubts as to its decease or vitality,—the reducing to a precise form dogmas which are floating in the uncertain state of conflicting dicta of Judges, sometimes even opposing decisions of Courts,—the embodying in well defined terms and authoritative commands, opinions that now rest on what has been resolved by interpreters of the law, by text-writers who can bind no one, or by Courts which can vary their own opinions within certain limits at least,—the laying down the rule of conduct for the subject and the Judges by the supreme power, in its own words, and with its direct sanction,—this must of necessity tend to make the law more easily

interpreted and obeyed. But if it be said, that after all a field will remain for doubt and disputation, then it can only be answered, that the narrowing of this field is a mighty gain, though human imperfection will unquestionably preclude the hope of such a space of debateable ground ever ceasing to exist, and to keep us apart from our object, a perfect jurisprudence.

There cannot be any doubt that the providing of a Code brings us nearer to this perfect, though ideal state of the Law—that in which the rule being quite fixed and absolutely clear, no question can ever be raised except upon its application to the species of facts daily unfolded. The first Code that is prepared may not make a very close approach to this state of ideal perfection. Its amendment, upon further experience, will bring us nearer that happy mark. It is too much to affirm, that by successive improvements with the light of experience, we shall ever come so near perfection as to be less remote from it than any assignable distance. But this we may at least assert,—that there can no limits be fixed beyond which we may not improve our Code. I well remember the time when it was held vain by our political economists, and even by our statistical inquirers, to attempt ascertaining the population of any large country by actual enumeration. So many sources of error were pointed out that the task was deemed to be hopeless; and we were led to form calculations upon the much more restricted returns of births and deaths. A great deal of declamation and some ridicule, is expended upon this view of the subject, among other works, in Mirabeau's large book on the Prussian Monarchy. I well recollect asking Mr. Horner, when I first read that work, whether he thought there really was anything in the objection which I stated to him, he having, on account of their size, declined to read the four quarto volumes. He said he knew it was a common topic among economists, but he could not tell why; as at any rate the actual enumera-

tion enabled us to approximate, and it was difficult to limit the degree of accuracy which might thus be attained. The opinion which I had formed against my author was thus confirmed, and upon the reason which had occurred also to me. The first enumeration was then about to be made in this island; four more have since followed; and I believe no one is now in any doubt that a very near approximation to the truth has been effected. But if the reasoning and objections of Mirabeau, and many persons in this country adopted the same view, had been suffered to prevail, we should have been deprived of a very valuable body of statistical information. The chief objectors to a Code belong to the same class of reasoners.

4. I know not if I should class under a separate head the popular argument, derived by the same objectors, from the undoubted fact that the French Codes have already produced a great body of commentaries, many decisions, and some controversial writings. We are with some exultation told to look at this mass, under which, it is said, the great work of Napoleon lies buried; and to reflect that though it is not half a century old, it has loaded the legal library with works to illustrate and explain and reconcile its provisions. I really think it might just as fairly be set down for an evil, that the courts have been filled with suits, and their porches darkened with contending suitors. No one ever could expect that any system of jurisprudence, how wisely soever it might be framed, how clearly soever expounded, how conveniently soever methodized and arranged, could put an end to litigation. So long as human affairs present the endless variety which belongs to all the concerns of rational beings, so long there must be controversy among men upon the application of the law to each case. No Code can supersede the profession of the lawyer. But so long as men, including lawgivers, are fallible, so long must their legislative labours require correction and elucidation. For their

laws, however well devised and delivered, must always admit of some doubt; no sagacity of the lawgiver can make up for the want of foreknowledge which all finite beings must ever labour under; and consequently numberless points must escape the maker of the law, which can only be suggested in the course of its administration. The two branches of the lawyer's profession, therefore—the practical application of the law to the cases that occur, and the sound interpretation of the law—must continue after all that Codes can do, to be absolutely necessary in the jurisprudence of every country. But if you would ascertain the truth of the position that this mass of commentary and decision has destroyed the uses of the Code Napoleon, hear the testimony of the first practical lawyer in France, M. Dupin; and hear him the rather, that far from being too much enamoured of codes and of precedents, he had, only four years before he wrote as follows, been rather sounding an alarm himself upon the accumulation of decisions and commentaries. "The assertion is not true" (says he in answer to a question expressly put to him upon the subject by one of the learned digesters of the law in America.)—"The assertion is not true that the proportion of decided cases has prevailed in any way against the text of our codes; nor are we in any way threatened, even at a distance, with the danger of seeing the letter of our laws disappear under the load of interpretations. In every discussion the text of the law is first looked into, and if the law has spoken, *non exemplis sed legibus judicandum est.* If the law has not clearly decided the point in question, its silence or its error is endeavoured to be supplied. But what country is there where decisions have not thus been used to supply the defects of legislation?" I may add the just eulogy which he pronounces upon the Codes, especially the Code Civile: "It is clear and methodical; neither too long nor too short; the language of the legislature is noble and pure; the rules

are well laid down, and with the exception of the difficult subject of mortgages, it has met with nothing but approbation, more especially now that the immoral law of divorce has been struck out. The Code of Civil Procedure has simplified the forms, and diminished the expense of lawsuits." After characterizing the other Codes and their defects, he adds, "But all these Codes, such as they are, have been productive of the greatest benefits; they have delivered us from the chaos of our ancient law."

It may seem presumptuous in me to offer my own testimony after that of the very highest authority, in the great lawyer whom I have cited. But the experience of an ignorant person is wanted in this case to complete the proof, and accidental circumstances enable me to adduce it. I am very well assured that were a French lawyer to pass a portion of his time yearly in England, as I do in France, he would find himself exceedingly at a loss to ascertain the many points respecting which I have occasion to seek information, and hardly ever to seek it in vain, from the French Codes. Suppose any one resorting to our country in this way, were to ask a friend in what book he must look for information as to the law, either civil or criminal, under which he had come for a season to live: I will venture to say a more perplexing question could not be put. "There is no such book;" would be the answer, "we are not like you; we have no Code;" and the conference would inevitably end in a recommendation to take the opinion of counsel, unless the question happened to be one of the most plain, simple, and every day kind. I humbly recommend to any one who doubts the advantages of a Code, to take up the small volume in which the text of the whole French law is contained (less than a single one of the hundred quartos into which our statutes are with difficulty compressed), the first time that he has occasion to consider what in any given case those laws prescribe; and from my own repeated

experience, in which those of our judges with whom I have compared notes on this subject concur, I speak it, when I affirm that the information desired will, without difficulty, in all likelihood be obtained.

The confusion that prevails among the provisions of our Statute Law, would itself furnish abundant illustration of the benefits to be derived from digesting the Statute Law, and stopping there; stopping at the very lowest point, the actual minimum of the Lawgiver's duty, in apprizing the people of his commands to which he so sternly exacts their obedience. But on that confusion I will not dwell; nor will I recite the various matters huddled together in our old Statutes — as the punishment of evil disposed persons going in disguise, malicious mischief to sea-walls, cutting hop bands, thefts on the Scotch Border, juries in Cheshire and Lancashire, and the making of woollen cloths in the West Riding of Yorkshire, all contained in one chapter of one act, 6 Geo. II., c. 37.—Nor will I trace the operations of the Law-maker's scissors in a work that seemed little to engage his head, as when he distributed the punishment of imprisonment and hard labour in equal moieties, between the person suing for the penalty and his sacred majesty the then King.—Nor will I note the careful and curious anxiety to guard certain regulations of a fiscal nature, that made our legislators prohibit, under a penalty of £10, the doing that which a higher authority, the laws of Geometry, had rendered impossible even to Omnipotence itself,—namely, the making the opposite sides of a figure bounded by four parallel lines, unequal to one another. But I will mention that in one year, no less than sixty acts were passed, and not very long ago, for it was in 1824, all to amend, construe, repeal, suspend, or remove doubts, in former acts, none of them made very long before. Many of those errors were unavoidable; but by far the greater number were the fruits of hasty legislation and of the want of a Code, to bring at one view under the law-

maker's eye, the whole state of the law on the subject with which he was dealing.

It must, however, be always kept in view, that valuable as a mere digest of the Statute law is, we have a right to view it as nothing compared with a Code which shall present also the provisions of the Common Law, to be gathered, and easily gathered, from those fountains, which are in this country, as we have seen Mr. Bentham himself confessing, copious and pure beyond those of all other nations. Our Statutes, already become what the Laws of Rome were, when Justinian undertook to digest them, the "load of many camels," imperatively demand the application of the process; but he would be a most inefficient workman who should stop there, when far more than half the difficulty of completing the work had been overcome by taking the first, the most costly step. The necessity of digesting the Common Law, is far more urgent for obvious reasons; and the accomplishment of the work would yield a harvest incomparably more rich to the workman. To stop short of this, and rest satisfied with a Code of the Statutes, would be in the highest degree preposterous and even absurd. It would be to do the mechanical parts of the work, and leave all the higher unattempted; to prepare the paper, and the ink, and the pens, for some great performance of our industry and genius, and when all was artistly disposed, and the paper awaited its appointed charge, to turn away and undertake some fresh handiwork. In fact, a lawgiver promulgating a Code of written law, and leaving the unwritten untouched, is something between a folly and a fraud. He tells his subjects that they are in this book to find part of the rule of life; but that they must not trust it or heed it, because more than half the rule is elsewhere floating about in no book at all. He says, "Look here and you will find half of what I command; at your peril disobey me; but also at your peril obey this law, for there is left out more than the

other half, which is an important part of it, and where you are to find that other part, I am sure is more than I can tell you." If the subject ventures to say that the omission leads to his supposing that the part left out has no connexion with the part promulgated, the lawgiver at once tells him—"Quite the contrary; you were never more mistaken in your life: the two portions are intimately connected, forming parts of one whole; the rule of your conduct, and the portion which I suppress because I don't know how to deal with it, partly extends, partly explains, partly modifies, partly abrogates the rules which I now imperfectly publish, and yet strictly command you to follow!"

The two reasons, more or less plainly confessed, which have made some men averse to reducing our Common Law into a Code, are the one, wholly groundless, the other, a strong argument in favour of the measure. It is said, first, that there is a risk in enacting the provisions of the Common Law because they are nowhere distinctly laid down; and next that if you do digest them in a statute, you prevent the courts from gradually accommodating them to future circumstances. The first of these reasons signifies that the Legislature is afraid of not exactly knowing what the Common Law has decreed; afraid, in the dark, of giving body and form, and consistency to principles never very accurately stated. Were it true that such is the condition of the Common Law, it would be hard to imagine a more powerful reason for defining and declaring its principles by positive enactment. Many things may fall within this description; and you may leave them out if you are so cautiously minded; there will still remain to require digesting quite enough, of which no reasonable doubt at all can exist. I remember when most men in Westminster Hall had a great scruple about any legislative interference with the Law of Evidence: I mean that portion of it which does not refer to the necessity of written proof; for the Statute

of Frauds had set a memorable example how far legislation might go in dealing with that matter. But we have easily and entirely got over all such scruples now; the late act of Lord Denman, in 1843, and mine of 1851, have most satisfactorily overleapt all such difficulties. These were, however, largely urged to impede the progress of both. Even the history of the Statute of Frauds affords a remarkable instance of the evils of leaving the law in that kind of traditional—and I may add, as the unavoidable consequence—that constantly transition state, in which it must continue while left undigested and unenacted. There is not one section of that most important Statute, hardly a line of it, which has not at various times been modified, and not many which have not been partially altered and even repealed by judicial construction; nor can anything more illustrate the necessity of combining the Common with the Statute Law in our Code, than a consideration of the state in which the Statute of Frauds would be left by the omission of the former. I will venture to say, that nothing could much more tend to mislead the reader of that Statute, and of the additions since made to it by Lord Tenterden's Act. He would decide almost any case that came under his observation contrary to the Law as it now stands, if he only read the letter of these two Statutes.

The other reason against extending our Code to the Common Law, really hardly requires a separate answer. Nothing can be worse than leaving the definition of the Law to the Judges. Its application and interpretation must of necessity be left to them; but wherever it is possible to lay it down as their guide to the letter, no one can reasonably doubt that it ought to be so declared. That which exists only in tradition, or in the dicta or decisions of judges, or in the books of the learned, never can be so fixed and unalterable as that which the Legislature has pronounced, and the latitude of modifying it which an unwritten Law affords to

those who should only apply it, is most inconsistent with the ends of justice. Every addition made by the Judge to the Common Law as he found it, every alteration which he effects in its provisions, under the guise of exposing or applying it, beside the great defect in its title—namely, that it proceeds from an individual, and not from the supreme power in the State—labours under this insuperable objection, that it is an *ex post facto* law, a law made after the conduct has been held, or the question has arisen which it is to visit, or to dispose of—nay, a law made with a reference to that very conduct and that very question. Almost any law made prospectively and for the whole community is better than one thus made under the bias given by the circumstances of the moment; nor can there be a more severe reflection upon judicial conduct than is contained in the remark so frequently made respecting the decisions of the courts upon cases not provided for by plain statutory enactment, "that the Judges always find it easy to grind a little law as they want it." This they would find always more and more difficult, in proportion as the whole of our legal doctrines, both of our written and our unwritten law, were reduced into a system, digested, and enacted by the authority of the Legislature.

These remarks are of general application, and lead to the necessity of a Code which shall embrace our whole Law in one great body of Jurisprudence. But as it is easier and safer to begin with a portion of the great work, let us confine ourselves, in the first instance, to the Digesting of a Criminal Code.

The principles which should govern those who undertake this task appear not to be either obscure or doubtful.

I. The first thing to be done is to adopt some convenient arrangement or classification of the law relating to crimes. The virtues of a good classification are these: It should exhaust the subject; its different parts should not interfere with, or run into each

other; much less should they contain any repetitions; they should succeed each other, in such an order that no subject should be treated of under any one head, which had not previously been explained; finally, each head should contain all that belongs to it, so that its parts should not be separated by other heads. I conceive that the classification which will best answer this description is the following:—The first division or head should give the Definition of all Crimes; the second should give the Punishment awarded to each; the third should give the procedure for detecting and preventing offences, or what may be termed the Law of Police; and the fourth should give the rules of Procedure for trial—in other words, the administration of Criminal Justice. It may be a question if the rules of evidence should not also be given as a portion of this fourth head. The first and second heads will, by a natural inclination of lawyers, be subdivided each into three; as crimes are either Treasons, Felonies, or Misdemeanors,—a distinction in every respect unsatisfactory and illogical, because the foundation of it is not so much the difference in the offences themselves, as in the punishments by which they are visited; also because the Legislature has frequently enacted that the offence which at one time, or in one part of the kingdom is treated as a felony, shall be elsewhere or at other times considered as a misdemeanor only. If the innovation, therefore, be not reckoned too great and too sudden, I should much prefer classing all crimes according to a different plan,—as they are directed against the state, against the person of private individuals, against their property, and against their reputation.—It may admit of a question whether the two first heads, Crimes and Punishments, should not be combined. Strictly and logically speaking, they should clearly be kept apart; and this separation has important advantages, among others, that of avoiding to define the offence by its punishment. But there is also some material con-

venience, both for conciseness and for saving references from one chapter to another, in stating the penalty immediately after describing the offence.

II. The next object to be attained, is the ascertaining exactly what provisions of our Statute Law continue in force; and those which are obsolete ought at once to be lopped off as if they had been abrogated. This will of course require a compendious enactment, within the scope of which may be brought also a considerable number of provisions, that are very rarely enforced, and never countenanced by any Court. I may mention, as an instance, the penalties for not attending Church, lately repealed, but which were a few years ago drawn forth from their lurking-places, to the great oppression of some persons engaged in poaching, to the great scandal of the law, and to the great injury of religion itself.

III. No separation whatever should be made between Statutory and Common Law provisions; and in collocation they ought to be incorporated together. But with a view to questions which may arise upon the construction of the Code, it is expedient that whatever is statutory be referred to as such, and a marginal note be added indicating the statutes from which each provision is taken. There is no occasion to add any note of the authorities upon which the Common Law portion rests; but whatever merely becomes enacted law, from having been unwritten law, should be distinguished from what is added, or now introduced for the first time. This may be easily done by a few words, or by a mark, as a marginal date.

IV. Care should be taken to follow the fundamental maxim of didactics, that of proceeding from more simple to more complex; and never referring forwards, but always backwards. No term ought to be used which has not been accurately defined, and nothing should be laid down to understand which it is required to have read what follows.

V. Above all, in legislation it is of importance never

to use the same word in different senses, nor ever to use different words in different places to express the same thing. This is a good rule in all scientific writings, but in law it becomes the more essentially necessary, because Courts are often guided in their interpretation by observing the Legislature's use of words in different places. And in a Code the rule becomes the more important, because all its provisions form part of one text or statute.

VI. It is of first-rate importance that the language to be used should receive a careful consideration. There are two modes of proceeding in this respect. The language of Statutes and of decisions may be translated into the vulgar tongue, and the substance of the law as laid down by those authorities, together with such few portions of the Common Law as are well known, and yet rest not on adjudged cases, may be given in that common language. Or the statutory phraseology may be retained, and the judicial phraseology of the cases, leaving only the doctrines that rest on no decisions to be couched in language as nearly as possible such as the statutes and the cases employ in similar matters. There seems every reason for preferring the second method to the first; but an addition is necessary. Whenever the phraseology of the Statutes has received a judicial construction, the terms of that construction should be substituted for the terms employed in the Statutes. That this course of proceeding is the most advantageous must appear manifest, if we consider the questions which will inevitably arise upon construction. Those questions will be both narrowed in their number, and facilitated in their solution, by adhering to the language with which lawyers are familiar—the language which the Legislature has already employed—the language to which the practice of the legal profession has attached a known meaning. That wherever the Courts have adopted a language as expressing the true sense of the Legisla-

ture, this language should be preferred, it needs no argument to prove.

VII. The last consideration that may seem to deserve attention is the form of the Digest. Here again two plans present themselves. Either a single comprehensive Statute may be made, enacting, with all the formalities of our Legislation, each provision of the Criminal Law and law of Criminal Procedure; or a Code of that Law, in both its branches, being compiled, it may be, by a single enactment, declared to be the law, and all other laws may be repealed which regard the same subject matters. I think we can have no hesitation in preferring the second of these forms, on account both of its superior conciseness and convenience. Nor is it at all without a precedent. Hardly an important revenue act of late years has been passed without certain rules being laid down, either in the act or the schedule, and these rules declared by a single enactment to be the law, and to be taken as parcel of the act.

Such appear to me to be the principles which should govern the preparation and adoption of a Criminal Code. That it is more easy to make propositions than to execute them, who better than myself can tell? The experience of above forty years has left me the melancholy conviction that plans for the Education of the People, an object which all men of all parties had near at heart, are not much nearer being adopted, although no one valid objection has ever been made to the plan proposed in my Bills, except the difficulty stated by the Dissenters in 1820, which was wholly obviated in the bills of 1837 and 1839; and although, indeed, the only opposition ever raised against that most necessary measure was not that its object, Education, would have failed, but that the Sects were jealous of the Church, and the Church of the Sects; wherefore, the people, both Churchmen and Dissenters, must go without instruction. Well may I say, then, with Lord Bacon,

that "Propositions have wings, but operation and execution have leaden feet." *

But there is one difficulty peculiar to the enacting of a Digest; it cannot possibly be passed by the Parliament if each word is to be discussed. It must be the work of expert artists, in whom the Legislature places a well-grounded confidence—not the work of the two Houses themselves, who are about as ill contrived for revising the work of those artists as Justinian was for revising the work of Tribonian and his learned associates, who framed the Digest of the Roman Law.

When I presented, in 1844, my first Bill digesting the Criminal Law, Lord Lyndhurst at once said, "As this is a "Digest, nothing can be done with it in Parliament; "we are wholly incapable of revision in such a matter; "therefore let us, for security sake, refer it to another "Commission to revise and improve it." This course, pointed out by the never-failing sagacity of that manly understanding, was taken; but we submitted the amended Draft to all the Judges, and to the profession at large. Of their suggestions we shall gladly avail ourselves. But if after receiving this ultimate consideration, a Committee of the House of Commons, not satisfied with what has satisfied the Lords, and the Bench, and the Profession, undertakes to go through each of the Codes minutely, and weigh every word of above two thousand articles, we require no gift of prophecy to let us foresee that such a labour will have no end, and if it ever terminated, would only mar the work of abler men more calmly considering the subject. Every sciolist who belonged to the profession, but had never practised in any of its walks—whatever Justice had been used—

> De mensura jus dicere, vasa minora
> Frangere, pannosus vacuis ædilis Ulubris—

whatever worthy citizen had an attorney at his elbow

* Bacon's *Remains*, 367.

to suggest criticisms, objections, and improvements—whatever new-made senator felt the desire of private distinction more than the value of public time—all would fasten on points of discussion so numerous that no appetite but must find some one suited to its taste. And if ever the revision was brought to a close, the learned authors of the Code would assuredly never recognize their own work.

It was a view of the inconvenience attending legislation, performed by the whole Parliament, that made Mr. Bentham, with his accustomed love of generalization, and his prejudice against all existing things, propose a set of paid Law-makers, upon whom the whole duty should devolve, Parliament only retaining the power of adopting or rejecting their work. No one can regard this as a practical contrivance; yet of the two extremes, it is the more tolerable; and at any rate we may admit, that however inapplicable to the framing of new Laws, for digesting the old ones it is both perfectly practical, and altogether unexceptionable. The prejudices, however, against any novelty in legislative proceedings are deeply rooted. Men under the influence of this horror seem untaught by experience. They are resolved to stand still in an age of progress. They cling to whatever exists—whatever they actually possess—the more violently, the more they feel that it is, by an irresistible force, escaping from their grasp. Even when compelled to quit their hold, and yield to fate, they don't deny how fain they would still grasp. They recall to mind the miser, who becoming more tenacious of his wealth as the term of his possession approached, was reminded by some ghostly counsellor, that he was going whither he could not carry it.—"Yes," said he, with a piercing, eager, determined look; "but if I could I would."—So opposers of all improvement, in our legislative proceedings, feel that to cling by the worn-out, obsolete process is impossible; they are sensible of being carried down the stream of

improvement; but if you remind them that they cannot take along with them all the exploded, yet fondly cherished inconveniences of former days, the relics of a barbarous state, they look at you earnestly and keenly, though sadly, even despairingly, and cry: "Yes; but if we could we would." To this disposition, from which lawyers perhaps less than others are exempt, we must ascribe such humiliating passages in our history as the venerable names of Bacon and Coke, having been signed to a warrant, still extant,* for putting a prisoner to the rack only eight years before all the Judges (in Felton's case), declared torture to be illegal. A whole community may be the prey of like prejudices. Howard was shocked and astonished to find torture still used by law in Hanover not very early in the reign of its Sovereign, George III.

I have stated as strongly as I feel it, the necessity of combining the unwritten with the written law in the proposed Digest. But I freely admit, that others may view the subject in a different light, and it is possible that we may not be able at once to embrace the whole field of penal legislation. If it be so, then surely there can be no objection to bringing forward at once the Digest of Statute Law, and directing in the meantime the preparation to go on of the remainder. We should thus, when the whole work came to be completed, have put the realm in the possession of two Codes, the one of Statute Law merely, and the other of the whole Law, Common as well as Statute, relating to crimes—their definition, their trial, and their punishment.

A work would then be accomplished, the devising or propounding of which assuredly was not left to our day. In all ages the greatest benefactors of their species,—the sovereigns, who deemed their truest glory to consist in the happiness of their people—the sages whose wisdom pierced the darkness that shrouded their

* Archæol. X., 143.

age, and gave them to live before their time—the lawyers whose genius the trammels of their profession had no power to fetter—the reformers whose faculties were neither benumbed by veneration for existing institutions, nor bewildered by the phrenzy of seeking change for change's sake—Alfred and the Sixth Edward, Bacon and Hale, the Chiefs of the Commonwealth—all have loudly demanded, some have lent their aid towards this grand juridical improvement. In other countries the work has been undertaken with more or less of success, but in all with most beneficial results. Catherine of Russia, Frederick of Prussia, Joseph of Austria, the Tuscan Dukes, the Bavarian and Belgian Kings, the Sardinian Princes, the Emperor Napoleon, the American States—all have built their renown upon the blessings which they bestowed on their dominions by delivering the people from the miserable slavery of vague and unknown law.

Let us briefly pause to consider of how noble a nature are those efforts to amend the law, efforts to further which there is nothing so essential as a Digest of that Law as it exists. Assuredly the Legislature can have no more imperative duty; but also, it is a duty the rigorous and successful performance of which must so certainly redound to great and lasting glory, that one is astonished to witness the neglect of it. For whom do men in all ages most honour? Renowned Lawgivers; and if his name is ever held in grateful remembrance, who without the embarrassment of existing but ill-contrived institutions, and the obstruction offered by long-cherished and deeply-rooted prejudices, laid the foundations of a system, how much more transcendent must be the merit, and how much more brilliant the fame of those, who, extirpating inveterate error, sweep away consecrated abuse, and dispelling pernicious obscurity, make the Law a living letter, the protection of right and the scourge of wrong—the support, by a nobler than Roman charity, of its parent

Justice!* These are the greatest monuments the rulers of mankind can leave behind them. When Constantine called Trajan a wall-flower, because his name as the founder was carved on so many buildings, Bacon prefers "Adrian's view, whose mind was to wrestle a fall with time," in repairing its ravages. Yet this, the wisest of mankind held a far less merit than forming colleges and lectures for education; and that again seemed to him as nothing, compared with "establish-"ing of good laws, which makes a whole nation to be a "well ordered College or Foundation." (*Offer to King James of a Digest of the Laws.*)

But let not our rulers and lawgivers suppose that they can reap no real satisfaction from such great works beyond the mere phantom of glory. They should feel that a more solid gratification attends the performing of acts which improve the character and better the condition of mankind. I am far from denying that the pleasure is greater to all of us, which we derive from deeds of kindness towards individuals recommended to our care by their merits and misfortunes. I am not so romantic as to place on a level with this enjoyment any that results from the discharge of public duty, because as long as men are men individual cases will ever rouse the strongest feelings. But surely we should struggle against every disposition, how natural soever, to underrate the pleasures of a larger benevolence, and should reflect how vast a service they perform, who labour to prevent those ills which all feel a happiness in relieving. They who amend our laws may most truly reap this the best reward to a kindly nature; and it is the duty of all who possess the power so to discipline their minds, that they may regard it as the most precious gratification.

* A Fonte Justitia fluit jus.—(*Justin. Inst.*)

THE

INEFFICACY OF SIMPLY PENAL LEGISLATION.*

It appears expedient to lay before the Union a statement of the considerations which, above forty years ago, mainly induced me to press upon the attention of the Legislature and the country, the necessity of combining other measures with those of Penal Infliction, in order to prevent the commission of crimes. The education and moral training of the people, and the making punishment subservient to the reformation of offenders, offered the best means of saving society from the pollution it is exposed to — first, from ignorance and the immoral habits which it engenders; next, from the injudicious treatment and the neglect of those who have fallen into criminal courses. A due reflection upon the point to which I refer, opens to us nearly the whole subject of criminal police; and truly we cannot easily overrate its importance. It concerns neither more nor less than the peace, the morals, nay, the very existence of society, threatened as it is by the frightful progress of crime, while the inefficacy of the means that the laws afford for restraining evil-doers becomes every day more deplorably manifest. Let us calmly consider this subject, and then ask whether the known facts, the result of our past experience, do not warrant a grave suspicion that all our efforts to prevent

* This Dissertation was read 20th August, 1856, at the Bristol meeting of the National Reformatory Union, of which Lord Brougham is President; but in his absence, Lord Stanley, one of the Vice-Presidents, took the chair at Bristol. The paper was read by Dr. Elliott, Dean of Bristol.

the commission of crimes have hitherto been made in a wrong direction?

I begin with the startling fact, that, having conferred both with my brethren at the Bar, with experienced judges, with experienced magistrates exercising the functions of police, with secretaries of state, the heads of the police department, I have uniformly found their opinion to be unfavourable, when asked if punishment had any great and steady effect in deterring offenders from following the example of the parties punished?

Next, I observe that the dread of punishment must always depend upon the certainty of its following the commission of the offence, inasmuch as, while the slightest infliction which should be quite sure speedily to visit the offender, would, in most instances, suffice to deter him, the heaviest would fail to influence him if not believed to be inevitable, or expected to be remote, and the degrees of uncertainty and of remoteness being always increased by the party's own imagination, the passion which afforded the temptation would also make him sanguine in his hopes of escape. Now, nothing like certainty and celerity ever can, in the nature of things, be attained in the connection which the law would establish between guilt and punishment. That connection is evidently not a necessary one, and though we may diminish much of its uncertainty, still enough will always remain to flatter the hopes of the guilty-minded, and to weaken the force of the law in restraining him.

I grant that much has of late years been done to lessen the chances of escape. The mitigation of the severity which once disgraced our criminal code has rendered it much easier to find prosecutors,* witnesses,

* I am ashamed that I have still to speak of prosecutors, voluntary gratuitous prosecutors, as required to execute the law against criminals. There is no country but England in so rude a condition as to be without a public prosecutor; no country but England in which it is possible for a trifling sum to buy off a prosecution, and in which the first duty of the State is committed to, its highest office cast upon private individuals;

and jurors, who may be disposed to put the penal laws in execution.—The amendments in the rules of pleading and of evidence have diminished the chances of guilt escaping.—The greater frequency of trials has shortened the interval between apprehension and punishment.—The improvement of the police in great towns establishing a more vigilant superintendence of wrong-doers, has, by the late act, been extended to other districts.—The better selection of magistrates has amended the administration of the criminal law, and especially of the police, or preparatory process. But even if these reforms, with the others still wanted of a public prosecutor and stipendiary justices, should make our criminal code as efficacious as any human laws can be, and render the magistrate as far as is possible a terror to evil-doers, there is still an obstacle that never can be removed, to the complete success of a system which rests upon terror alone as the means of repressing crime; still, men's passions, their base propensities, their vile speculations, will be fortified by the hope of escape; and even if the certainty of punishment were made far greater than it ever can be rendered by any improvements in that system, all would be in vain, and for this plain reason, that men, while considering whether or not they shall break the law, are not in a calm and calculating mood; they are under the influence of passions, or of feelings, or of wishes and hopes, which silence the voice of reason as well as of conscience, making them alive only to the prospect of gratification and to the hope of impunity.

generally upon the very last persons on whom it should fall—the parties injured by the offence. When I quitted office in 1834, I had nearly accomplished the important object of obtaining the great advantage of a public prosecutor. An important committee of the House of Commons—presided over by Mr. J. G. Phillmore—has sat during two Sessions on the subject, and taken valuable evidence. Mr. Greaves' late report on Procedure canvasses the subject, which, it cannot be denied, is attended with difficulty; but there is all the difference in the world between leaving the evil wholly unremedied and obtaining a complete cure.

Again, in reasoning upon the tendency of punishment, and the motive to offend, we have always committed one serious error. We have considered crimes as insulated, and we have regarded each offence as originating in an occasional gust of passion, or view of interest; we have argued as if all criminals were like in their nature, and all spectacles of punishment, or exhortations to wrong-doing, were addressed to the same minds. Now, nothing can be more certain than that the great majority of all the offences committed in every civilized community are the result of immoral character, of gross ignorance, of bad habits, and that the graver sort are committed after a series of faults less aggravated in their character. It follows, as a necessary consequence from this proposition, that when the example of penal infliction is addressed to the offender, its deterring effect is very much lessened, because it is addressed to a mind which evil habits have entirely perverted; and thus the guiltily disposed person is to be not merely deterred from doing one wrong act by the fear of punishment, but to be reclaimed from a course of thinking, feeling, and acting, into which he had fallen.

It is no doubt to be set on the other side of the account that the knowledge possessed by the community of punishments being by the law denounced, and being by the administration of that law actually inflicted, tends to produce a habit of thinking and feeling in the people; and by connecting in their minds the punishment with the offence, may create a general aversion to evil practices. This in truth is the only effect produced by punishment; but for this it would be wholly inoperative, and would indeed be only an aggravation of the evil occasioned by crimes. But it is also certain that this habit has to struggle with other propensities, which are generally found to be more powerful; that ignorance, evil association, indulgence in lawless passions, first of a less and afterwards of a

more hateful kind, the familiar contemplation of vicious excesses, the observation, often the actual experience, of escape from penal visitation, the spectacle of the law so often failing to be effectually executed—all engender bad habits, against which the habit of regarding vice as connected with punishment, contends in a vain and fruitless conflict. Hence, the only possible efficacy of the penal code, however wisely framed or ably enforced, becomes feeble to its purpose, the repression of offences. For against the habit of reflecting on the criminal act as a thing punishable, is to be further set the temptation to do it as a thing desirable; and thus that habit already enfeebled by the other circumstances just enumerated, is immediately overpowered by the interest or the passion of the hour.

I fear we may upon the whole regard the criminals who infest society as being a kind of class, who have turned crime into a trade or calling, and no improvements in the administration of criminal justice have yet been able to put down the business, or even to prevent those who follow it from being a very numerous body.

Now, when it is considered how many offences a thief must commit to earn his daily bread, it becomes quite evident that absolute impunity is the rule, and detection only the rare, and, as it were, accidental exception. It may be assumed without exaggeration that, if one offence in ten was followed by detection, the class could not exist. That his offences must be numerous to enable a depredator to live, may be further proved by considering that his profits are not measured by the losses of his victims, but by the miserable pittance which the receiver allows him—the capitalist, who must be paid, not merely for the ordinary risks of trade, but for the danger of discovery, and for the low price which alone he is able to command in the market.

But further, were it possible that in time a species of certainty might be attained, so that a course of crime should inevitably lead to punishment, all would not be

enough; the offender, in the chains of ignorance and bad habits, would pursue his calling, and look upon the gallows itself at a distance with as much calmness as a soldier regards the slaughter of next year's campaign. Why should we expect the thief to abandon his pursuits, because years to come he will suffer punishment, when we see that the educated man will not forego his bottle, knowing and admitting the inevitable consequences of intemperance? Artizans, who labour in unwholesome manufactures, sell themselves to certain death for a small increase of wages, which excess over the ordinary rate would in truth amount only to a little sum for their whole lives. While file-cutters had not the benefit of the blast to disperse the filings with which the air is filled by the dry-grinding, every workman knew for certain that he must die soon after the age of forty. Workers in whitelead and brass are still exposed to the imminent risk of palsy, a sentence of death by hunger in their case; yet how small an increase of wages attracts men from wholesome employment to those hurtful trades! But the same persons would probably shrink from exposing themselves to the risk of instant death, although the chances of escape might be in their favour. Hence, even could we attain the point of absolute certainty, a point assuredly that never can be reached, we should still have done little towards repressing crimes unless we could also add celerity to certainty, and insure to each offender the penal infliction due to his crimes within a very short period of his committing them. Either of these things, it is evident, is most likely never to be accomplished; the accomplishment of both together we may safely pronounce to be wholly impossible.

Now let us see whether these positions, which we might well deduce *à priori* from the most superficial knowledge of human nature, are borne out or contradicted by experience. And in arguing this point, instead of having recourse to general statistical details

upon the amount of crimes, their proportion to the numbers of the people, or their increase of late years; let us at once resort to a view of the subject, which brings to a test (severe indeed as regards its unerring certainty, but perfectly fair towards the subject under examination), the efficacy of punishment as a means of preventing offences by operating on the fears of men, or, what is the same thing, influencing their calculations of self-interest.

It will not be denied that if the sight of punishment, still more if the hearing of it, can produce any effect, the actual experience of it must produce still more. Consequently, if the undergoing it has little power to deter the sufferer from again offending, his seeing another undergo it can have still less; and his only hearing of its being inflicted can least of all have this deterring effect. Now, how stands the fact? I have before me the returns of punishment in Manchester for nineteen years, ending 1827, and I find, that of those who during that period were convicted of felony, between a third and a fourth were re-committed to the same gaol for other felonies, beside the great number who may have been committed to other prisons. Of the twelve or thirteen thousand persons committed for felony during three years to the gaols of Salford and Leeds, between three and four thousand relapsed after their sentences expired, or at least after they were liberated. I have before me similar accounts from Hull. But we have the means of tracing this important subject more nearly. The magistrates of Liverpool lately investigated the cases of fourteen boys (taken at random and without selection) under seventeen years of age, and they found that three had been no less than nine times each fully committed for trial in the course of seven years, one of them having been so committed no less than nineteen times; and a child of only seven years old had begun his commitments at that age, and in two years been condemned four times, three times

to imprisonment for different terms, and the fourth time to transportation. The evidence of persons well acquainted with the subject, who were examined by the House of Commons in 1828, shows that though there is no punishment so much dreaded by these young offenders as whipping, yet the impression of it soon wears away and fades from their memory.* I surely have no occasion to go farther in quest of evidence, if indeed any were wanted, to demonstrate that the effect of punishment in deterring by example, is exceedingly feeble upon the whole, and prodigiously overrated in all systems of criminal jurisprudence, as well by the philosophers who speculate upon the construction of codes, as by the lawgivers who establish statutes for a protection against offences. But this is far from being the worst of the errors that have been committed. There are preventives of crime, remedies for moral evil, which both those classes have unhappily overlooked, and no doubt this oversight has been in a great measure owing to their exclusively directing their views towards the all but hopeless task of deterring by the fear of punishment. It is fit that we should now direct our attention to the parts of this great subject, so much neglected by those who have gone before us.

First of all, let me recur to one of the positions which I have laid down when treating of punishment. There is nothing more certain than that first offences may, by proper treatment of the offenders, be also made last offences. There is in most cases no habit of wrongdoing formed, no evil associations so stubbornly contracted as to be indissoluble, no entire loss of self-respect incurred, no degradation in the eyes of others occasioned. Then surely it is as wise as it is humane, and as politic as it is just, to take the greatest care that we do not so treat the offender as to familiarize him

* Report of Police Committee, 1828. Evidence of Mr. Wontner, Mr. Capper, and others.

with guilt, to make him hopelessly ashamed, and openly disgraced. But all, or almost all magistrates, administer the law as if each offender was of the self-same character, and belonged to the same class. It is clear that the State should provide the means of punishing the young culprit yet unhardened in guilt, without exposing him to the contaminating fellowship of older criminals, and should enable him to resume his place in society without either the disgrace of exposure, or the desperation of leaving a prison for a state of destitution. The *Code Pénale* of Napoleon, under which, with few alterations, France now is ruled, humanely and judiciously enables the judge to give up the young convict to his relative, master, guardian, on the undertaking of careful superintendence, and with the power retained of police watchfulness. Mr. Hill, the learned, able, and humane Recorder of Birmingham, has adopted a similar course, and with a success which is extremely encouraging.

But more ample means of reformatory treatment are imperatively demanded by the state of the criminal population, and I must dwell upon the duty, not to say the necessity, of our now considering the gaol as a moral hospital, and its inmates rather as patients than as criminals. This remark, applicable to all prisoners, is peculiarly so to the young offenders. It is absolutely necessary that so much accommodation should be provided as to secure the possibility of classifying the prisoners; and not only that no one under detention before trial shall be in contact with convicts (of course, we are ourselves criminals if we expose them to any one hardship or privation whatever, save the necessary loss of liberty), but also that offenders of a hardened class shall never be brought in contact with those who have for the first time gone astray. But this is not all. The duty is as imperative upon the Government to provide the means of reforming offenders by salutary discipline, eradicating their bad habits, training them

to the tranquil pursuit of peaceful industry, and implanting an aversion towards the criminal indulgences which occupied the evil lives they formerly led. All this can be with certainty accomplished by a well-regulated system of labour, proportioned to which may be the indulgences enjoyed, and even the shortening of their probationary period.

These positions have the evidence of actual experience to rest upon. In Warwickshire, at Stretton-upon-Dunsmore, the experiment has been tried for eight-and-thirty years, and with great success, of placing young convicts in a wholesome, well-regulated, and properly superintended place of labour, where they remain until they can be engaged in service, or received back by their families, without either the stain upon their character which long imprisonment and public disgrace inflicts, or the bad habits which had led to their confinement. But in Germany and in France the experiment has been tried upon a larger scale. After the example of the establishment at Horn, near Hamburgh, a charitable society, or rather two excellent individuals,* formed in 1839 the admirable institution of Mettray, near Tours, the success of which has been so complete, that five others have been since founded by individuals or societies, and six more under the direct authority of the Government; so that Lyons, Bordeaux, Rouen, Orleans, and other places all possess the inestimable advantages of such establishments. M. Duchâtel, formerly Minister of the Interior, has been so good as to give me a full detail of all these institutions, and the result is, that nearly 4,000 young persons are now received into them, rescued from guilt and suffering, undergoing the most wholesome moral discipline, and preparing for their restoration to society,

* M. Demetz and the late M. D. Courteilles. I visited Mettray two years ago, and found all the favourable accounts I had received more than confirmed; and I was enabled, in the House of Lords, to correct many prevailing misrepresentations current on the subject.

not like gangrened limbs fitted to be cut off as incurable, but like members of which the malady has been entirely healed. I shall only mention a few particulars, respecting the Mettray establishment, because it was the first formed, and has been the model for all the rest.

Of the 669 boys received in six years, 197 have been placed out as reformed, of whom only 12 have relapsed. The deaths are under two in the hundred yearly; and many constitutions enfeebled by disease have been restored to sound health. The expenses are twelve pounds a-head, beside about two earned by their labour. The extent of the ground is about 500 acres of middling land. The boys are distributed into families of forty each, under an officer of the establishment, called the father, and two elder brethren, chosen by themselves: no choice has ever proved otherwise than well directed. The food and clothing are plain but comfortable; the labour regular, two-thirds working in the fields and gardens, the rest in workshops; the instruction, both secular and religious, is carefully attended to. Punishments are rarely found necessary, and these consist chiefly in restraint from out-door work and from walking. No restraint to prevent escape is found necessary, the common remark being, "We don't want walls at Mettray!" No instance of an escape has ever occurred. Far from any difficulty being found in obtaining places for them, master-workmen, farmers, and gardeners, are anxious to obtain more than can be supplied. Magistrates of towns, curés (rectors) of country parishes, commanders of regiments, in fine, all, under whose superintendence they happen to come, bear a willing testimony to their excellent conduct; and some have so distinguished themselves as to obtain prizes or promotion. They themselves write in touching language, expressing their grateful recollection of Mettray, the spot to which in the struggles of after life their eyes are oftentimes

directed as the *alma mater* which they quitted with regret.*

In contrast with these scenes so pleasing to contemplate, let us only reflect for a moment, with pain and shame, on the rude, the barbarous method hitherto pursued with our convicts. They are sent to the penal colony—of this I say nothing; because, for want of penal settlements transportation, in favour of which, especially as to one part of the kingdom, there is much to be urged, may be regarded as now about to be given up, or at least confined to a very few excepted cases, in which it may be of use, if applied to persons of a superior class, or accompanied with extreme rigour, and a rigour that shall be very generally made known. But then the infliction of imprisonment remains. The convicts are kept in custody, and there is no care whatever taken, or next to none, for their reformation. The period of their sentence expires, and they are returned on society, none of them the better for their confinement, many a great deal the worse—the younger portion all made worse,—the whole exasperated against the state whose subjects they are, and the society of which they are members. Turned loose, they either have no families, or none that are not ashamed to own them, and determined not to receive them. They have no chance of obtaining any honest employment. They are absolutely without the means of subsistence; they must inevitably betake themselves to their old courses, with all the new cunning obtained by the associations of the prison-house; and, moreover, they become the most accomplished teachers of the yet inexperienced criminals with whom they come in contact. It is the unvarying account given by all the gaolers and keepers

* The expense of the Warwickshire establishment is £25 a-head, that of Mettray £12. The cost of dealing with the fourteen incurable subjects at Liverpool was nearly three times as much; and the expense of our transportation and penal colonies is much more heavy.

of Houses of Correction to the Committees which sat in 1818, 1822, and 1828, that one of the most powerful causes contributing to the increase of crimes, is the example and instruction of the convicts who had escaped or been discharged from custody.

Now, as far as regards young offenders, there seems, at the present day, no difference of opinion. We are ashamed of the evil course in which we have so long persisted. We are shocked at the contamination to which the guilty are exposed; and we are yet more shocked by the thought of punishing the boy who has stolen a loaf or a penny, thus exposing him to the risk of becoming a confirmed thief, and the certainty of leaving prison worse than he entered it. I need hardly, then, ask the question—Is this wicked system to be continued? But I have another question to ask,—Are we to mend our system only with respect to what are called juvenile offenders—children and boys under fifteen years of age? Why, there is nothing in the world more entirely unreasonable, more perfectly absurd, than drawing any line of distinction whatever between these and all other offenders, of every age, and of all descriptions. We have no more right to imprison a man for years, or for months, and then turn him loose on society as bad as before, than we have to perpetrate the same offence with a boy or a child. In truth there might reason be found why we are guilty of a less offence when we thus liberate a boy than when we discharge an accomplished malefactor.

All writers upon the subject of penal laws, have laid it down in the outset of their tractates, that the only end of punishment is to teach others by example, and to prevent the criminal himself from repeating his offence. They forget the second head of their discourse almost as soon as they have laid it down; or they only keep it in view so far as to show that the means of prevention are the destruction of the offender by his death, or the removing him from the country by

exile, or the incapacitating him from wrong-doing by perpetual imprisonment. None of them, as far as I am aware, contemplate the care of those convicts who are again to enter society, either by return from transportation, or by discharge from imprisonment; and yet to one or other of these classes belong by far the greater proportion of all who are sentenced. But I go a step farther and ask, what right have we even in the case of perpetual imprisonment to leave the criminal unreformed? Then if he be reformed, I finally demand what right we have to continue his imprisonment one hour, unless for the sake of the example afforded by his suffering—a reason, the weakness of which, I have, I really think, already sufficiently proved?

The result, then, of our inquiry has led to this proposition, which we may venture to lay down as resting on arguments wholly irrefragable—that all punishment should be conducted, mainly with a view to reforming the offender. I regard the culprit as our patient; I consider the judge who consigns him to punishment, as the parent, or guardian, or master, who sends his child, or ward, or workman, to an hospital; I look upon the state as the superintendent of that infirmary, and the governor with his assistants, as the physician with his helpers occupied in bringing about a cure. The malady is rather chronic than acute, and it is always infectious; but the treatment is to be regulated by principles, guided by knowledge, tempered with kindness, even with tenderness, yet administered with a firm and unflinching hand. There is occasionally a fatal result; sometimes a long protracted cure. But in the vast majority of cases, the skill and the care of the physician prevails, and the result is happy for both the patient who recovers his health, and the community which avoids the contagion.

Now let it be added, and ever distinctly kept in mind, that all we have urged, or can urge regarding

the inefficacy of punishment, offers no reason for dispensing with such infliction; first, because the argument applies only to one of its uses, its deterring effect, leaving its reformatory influence untouched; next, because even where it is least efficacious, it still has some operation; lastly, because its cessation would have an undeniable tendency to encourage even the offenders whom it had failed to deter. Our strenuous efforts should be made by wholesome preparatory discipline to prevent, or to eradicate the evil propensities in which crimes originate, and thus to lessen the probability of their being committed; when they are committed, to reclaim by all fit means (punishment among others) the offender from his wicked courses. We endeavour to prevent disease by temperance and regimen; but if it visits us notwithstanding such precautions, we do not abandon the use of remedies, when there is either a hope of their removing it, or a prospect of their securing us against its recurrence.

My illustrious friend, Mr. Bentham, was of singular use to this branch of jurisprudence, as to all others, by his invaluable writings; and he early adopted the sound view which he most highly prizes, *economy of punishment*, that is, inflicting as little suffering as suffices to accomplish our object of deterring by example, and inflicting it in the way most likely to produce this desired effect. But he fell into the ordinary error of greatly overrating the efficacy of punishment, which, indeed, he always took for granted to be complete, provided it were well contrived. He wholly overlooked the circumstances which I have above stated, as necessarily impairing that efficacy—and he fell into still greater error when he came to lay down the rules for the treatment of offenders convicted. He almost entirely overlooked the extreme importance of the reforming process, bestowing his chief attention upon the deterring effect of the infliction. When I state this, I am fully aware that he

occasionally pays a tribute to the sounder principle by considering offenders as penitents. But observe on what mistaken views his famous plan of punishment is founded. The *Panopticon* is a scheme absolutely and perfectly vicious in principle. The offenders are all to be confined in separate cells, and under the eye of the superintendant, who is to see each and to be unseen of all. The prisoners are to work, and, as far as I recollect Mr. Bentham's conversation in discussing the plan with Sir Samuel Romilly and myself, their industry is to be forced by necessity, for they are to work to earn their food. Now, I pass over the question which here meets us on the threshold. We have a right, a full right to say, in the case of a poor man—"Work for your sustenance; and unless you work you must starve." He is free; he must look to himself; in leaving him to his own resources we only leave to execute itself the primæval curse, which condemns all men to earn their bread in the sweat of their brow. But have we the same right to tell the man whom we shut up, whatever may be the cause of his confinement, that he, too, must work or die? His sentence is imprisonment, and not death. Then do we not undertake, when we imprison him, to see that he shall not die? If, indeed, labour is parcel of his sentence, we may compel him to undergo it by any reasonable means, as by moderate infliction of punishment; but have we a right to destroy his life by withholding food? I think not. Yet this is but a small part of my objection to the Panopticon. The grand defect is, that it substitutes external coercion for self-action. It makes the motive wholly extrinsic, which is to operate upon the criminal, or as both Mr. Bentham and I would call him, the patient. The true method of treatment is the only one which can effectually reform the character and permanently improve the habits of the prisoner—to make him voluntarily adopt industrious courses, and of his own free will give the preference to innocent pursuits.

Coerce, compel, terrify him, watch over him unless occasionally, never leave him without the gaoler's eye glaring on him, never trust him to his own keeping—and what follows? He will work out his time of probation by force, and, looking forward at each successive moment to the end of his imprisonment, will never pass one moment, with his mind made up, to be another creature than the constable found him when he apprehended and imprisoned him. He will then leave the prison substantially as he entered it, and all you have gained for him or for the community by his confinement, is the keeping him from mischief for a time, and setting him loose to repeat it thereafter. Nothing, I conceive, can be more manifest than that in order to work a reformation of the offender who has contracted any habits of guilt, as by far the greater number of convicts have done whose offences are of any magnitude, you must implant new habits, remove the second nature superinduced by bad example, restore the original purity of the mind, the long-abandoned habits of well-doing, by the help of the individual himself, who is the subject of your treatment, and to whose own reason and feelings you must appeal at every step, dealing with him as a free agent, and only using the restraint of the prison as giving the means of effecting his cure, and affording the time for its being completed.

Of one thing, certainly, Mr. Bentham appeared always to be well aware, and its importance is obvious: I mean the necessity of an imprisonment which should last some considerable time. Short imprisonments are utterly useless. When the malefactor is aware that his sentence only dooms him to a few weeks, or even to two or three months of confinement, he never submits his mind to his lot, but ever looks forward to the termination of the present restraint. He looks only to the period of his liberation, and his mind is never in that frame which is absolutely indispensable to his conceiving new ideas, forming new plans, falling into new or

long abandoned habits of thinking and acting. There should then be no short imprisonment at all. There may, however, with great advantage, be provided *different degrees* of restraint, a *various* scale of indulgence, both as to diet, rest, exercise, and amusement. Through these stages the convict should pass, and the last stage should end in his being suffered to work mainly for his own profit, and for amassing a fund to fit him out on his discharge. The lengthening of his time of confinement, very considerably beyond the periods now assigned for punishment, would neither be harsh to the culprit, nor expensive to the state.

An ingenious method of inflicting this punishment has been devised by Captain Maconochie, upon very sound principles. He has already tried it with great success while superintending the Penal Settlement of Norfolk Island during four years. His plan is to make the period of confinement depend not upon any given time originally fixed, but upon the amount of industry exerted by the convict. This he measures by marks, and he would have each prisoner confined until he earned so many marks, without regard to the time employed in earning them. As the sentence must of course state the number (it being quite impossible to leave the whole discretion with the gaol authorities), and as the law must appoint so many for each offence in some language with which we are familiarly acquainted, he conceives that the well-known penalty of fine might be employed to designate the punishment of prisoners—so many marks being represented by so many shillings; thus the sentence would in substance be imprisonment, though in name it would be a heavy fine.

While I admit that much may be done in working out this principle, I nevertheless feel two great difficulties which encumber its application:—First, it is by no means certain that those convicts whose confirmed habits of wrong-doing require the longest restraint, may not be those who, by an effort of industry, are

able to earn their marks, the title to liberation, in the shortest time. But, secondly, I have another objection not less difficult to overcome; the very essence of this plan is to point the convict's regard constantly upon the period of his confinement, and keep him ever thinking of his discharge. Nothing can, in my view, more interfere with his acquiring good habits during his confinement; and so much am I convinced of this, that were it not impossible, even in well-regulated gaols, accompanied as they ever should be, by working farms, gardens, or factories, to entrust the governors or the superintending magistrates with so large a discretion, and were it not equally impossible to leave the law silent as to the time of the punishment, I should at once say, that as soon as any one is convicted of a felony or other grave offence, he should be sent into confinement, there to remain indefinitely, in point of time, until reformed. But, for the reasons just assigned, I know that this, the perfection of the penal system, is unattainable. *That*, however, is no reason why we should not strive to come as near it as we possibly can.

How grievously lawyers and magistrates, and speculative reasoners have always erred in bestowing so little attention upon the reformatory process, needs not further be shown. The fact is admitted, the lesson is plain, which all reasoning might have taught us before all experience, that each convict who, unreclaimed, leaves the gaol, becomes the teacher, by his precept and by his example, of the crimes in which his former life had been passed. The patient who has been discharged from the moral hospital uncured, carries about with him a contagious disease, threatening the existence of society; and, unhappily, society cannot escape from him. I take a parallel case. A man has escaped from the pest-house, with the fire of the plague raging through his veins, the contagious matter festering on his limbs, or rather the poison distilled in his lungs and dispersed by his breath; but you have no power

of confining him, and no means of avoiding him; his infection will reach speedily the parts of the social system most predisposed to receive it; and none of the community are safe from the consequences of the disease. You cannot defend yourselves against this dreadful malady. What then is the course which common prudence requires you to pursue? You must run the risk of the mischief he will do,—but you must instantly shut up all whom he has infected, and take especial care never again to let another be discharged uncured. What are we now about? Not one, but thousands of uncured patients are every year vomited forth from our moral pest-houses; nay, the rules of these establishments absolutely require that all, or almost all, should be sent forth uncured!

I have already asked the question, why confine our reformatory treatment to young offenders?—asked it for the purpose of breaking down that groundless distinction which would prescribe one course of dealing with one class of criminals, and another for dealing with all others. Let me now ask this further question, suggested by the whole subject of reformatory treatment: Why should we only begin the operation after men have become convicts? Why confine our attempts at counteracting vicious habits to the process of cure, and neglect that of prevention? Why be satisfied with trying to eradicate bad habits, when their having been formed renders the task of exterminating them so difficult? Why not endeavour to prevent those habits from ever being contracted, by operating upon the human being, the subject of our treatment in both cases, *before* he has become inured to vice, and while yet easily moulded to virtue? In a word, why not apply our whole force to distributing among the members of the community most in want of it, least able to obtain it, the inestimable gift of a sound education?

I need not give proofs of the intimate connexion between ignorance and crimes. I need not repeat the

statement which I made in 1835, when I moved my Resolutions on Education, that even of the rioters and incendiaries tried in the winter 1830-31, not by any means of the lowest ranks, only 150 out of 700 could sign their names, the rest being marksmen; that of those received into the Refuge for the Destitute, only one in thirty, or even thirty-five, have received any instruction; that a worthy magistrate of Essex declared nine-tenths of those who were brought before him to be marksmen; that all the young offenders whose cases are described in the admirable petition from the Liverpool magistrates to the House of Lords, almost every one was in a state of utter ignorance; that Mr. Clay, the excellent chaplain of Preston gaol, found about half of those he examined ignorant of the Sovereign's name, and of the names of the months, while hardly two in the hundred could read and write, and yet that by far the greater number had *heard read* to them books of the most flagitious character, offering direct incentives to a life of idleness and plunder. Facts such as these are not wanted to show the necessary connection between ignorance and vice; and yet I am arguing for more than the mere blessing of elementary education; the reading, writing, and ciphering, usually taught to poor children after they have attained a certain age. My desire is to see the preventive process begin much earlier; for it is quite certain that the habits are formed in infancy rather than in early youth, and that it is as easy to train a child of four or five years old to good principles, and kindly feeling, and honest conduct, as it is difficult to break him of bad habits, acquired before he had reached the age of eight, or even seven years.

Only consider in what portion of society the criminals, whose numbers infect every community, are born and bred. Not in the upper, not in the middle, not even in the better portions of the lower classes; but these criminals are raised from the comparatively small pro-

portion of our people who are in abject poverty, and with difficulty can earn an honest subsistence, often being without the means of sustenance at all except from charity or from dishonest pursuits. Then let *Infant Schools* be established in all our towns, especially our cities, enough to train the infant children of this class, not exceeding a tenth of the people in the larger towns, and not more than a fifteenth in the smaller ones. If this provision were made, the source of crime would be cut off at the fountain-head; our criminal jurisprudence, our criminal police, would not have many subjects whereon to work; and our reformatory treatment would be easily applied to the few bad cases that might still remain.

I am, however, well aware that until we have established something that may deserve the name of a national education, we have little right to speak of its last refinement, but its most important branch, the general establishment of Infant Training. And how long—how much longer—are we to wait before the most scandalous disgrace resting on our character as a people, shall be removed—before the bitterness of Sectarian Controversy shall so far be allayed by the Christian feeling of mutual forbearance, and the heats of polemical discussion be so far tempered by the charities of brotherly love, as to let us reflect that the greatest of all these things is charity, and that the triumphs of sect over sect are as absolutely nothing compared with the mighty and the holy conquests of sound knowledge over ignorance? How long must it be before we see the adversaries in such miserable contests prefer that victory which is far greater than his who conquers a great city—the victory over their own temper—leading to the storming or the sapping of the strong but not impregnable fortress of ignorance, immorality, and irreligion?

It is our highest duty to rescue the people from ignorance and vice, by giving them the inestimable

blessing of a sound, moral, and religious education, to prevent the growth of crimes, while we provide for reclaiming from their vicious courses those who have been led astray—a cure only to be effected by making the punishment of criminals the instrument of their reformation. That duty we have not discharged. But if we have planted no schools where the habits of virtue may be induced, stretched forth no hand to extirpate the germs of vice—we have kept open OTHER SCHOOLS where vice is taught with never-failing success—used both hands incessantly to stifle the seeds of virtue ere yet they had time to sprout—laid down many a hot-bed where the growth of crime in all its rank luxuriance is assiduously forced. THE INFANT SCHOOL LANGUISHES, which a paternal government would have cherished; but Newgate flourishes—Newgate, with her thousand cells to corrupt their youthful inmates, seducing the guiltless, confirming the depraved. THE INFANT SCHOOL IS CLOSED, which a paternal government would have opened wide to all its children. But the Penitentiary, day and night, yawns to engulph the victims of our stepmother system,—the Penitentiary, where repentance and penance should rather be performed by the real authors of their fall.—THE INFANT SCHOOL receives no innocents whom it might train or might hold fast to natural virtue; but the utterly execrable, the altogether abominable Hulk, lies moored in the face of the day which it darkens, within sight of the land which it insults, riding on the waters which it stains with every unnatural excess of infernal pollution, triumphant over all morals!—And shall civilized, shall free, shall Christian, rulers any longer pause, any more hesitate, before they amend their ways and attempt, though late, yet seriously, to discharge the first of their duties?—Or shall we, calling ourselves the friends to human improvement, balance any longer, upon some party interest, some sectarian punctilio, or even some refined scruple, when the means are within

our reach to redeem the time and do that which is most blessed in the sight of God, most beneficial to man?—Or shall it be said, that between the claims of contending factions in Church or in State, the Legislature stands paralyzed, and puts not forth its hand to save the people placed by Providence under its care, lest offence be given to some of the knots of theologians who bewilder its ears with their noise, as they have bewildered their own brains with their controversies?—Be well assured, that the contempt lavished for centuries upon the cabals of Constantinople, where the Council disputed on a text, while the enemy, the derider of all their texts, was thundering at the gate, will be as a token of respect compared with the loud shout of universal scorn which all mankind in all ages will send up against us, if we stand still and suffer a far deadlier foe than the Turcoman,—suffer the parent of all evil, all falsehood, all hypocrisy, all discharity, all self-seeking—him who covers over with pretexts of conscience the pitfalls that he digs for the souls on which he preys,—to stalk about the fold and lay waste its inmates;—if we stand still and make no head against him, upon the vain pretext, to soothe our indolence, or to hide our crime from ourselves, that our action is obstructed by religious cabals—upon the far more guilty speculation, that by playing a party game, we can turn the hatred of conflicting professors to our selfish purposes!

OF REVOLUTIONS:

PARTICULARLY THAT OF 1848.

It is no light matter that we should have to discuss a new French revolution, after all we can so well remember of the former—the wars it occasioned, and the obstacles which it raised up in the way of political improvement, sufficient for many years to arrest the whole progress of society. The party heats engendered, and the personal feuds, were among the least of its evils; but the general sense of insecurity, with which it struck all the friends of existing institutions, was a mischief hardly to be compensated by the good which undeniably was ultimately gained, even by France herself, after the more dreadful effects of the great convulsion were no longer felt. Certainly when things had, at the close of the war, and upon the fall of Napoleon, resumed something of their ancient state, we might have hoped that with peace, security had returned. The French people, at first satiated with unparalleled victory, and then visited with almost equal reverse of fortune, only because they had set no bounds to the power of a chief who could set no bounds to his ambition, had acquired no foreign dominion; but they had gained a far more precious possession, a free constitution, in which the arbitrary power of a monarch could no longer make the law; the pride of the aristocracy, with the influence of the hierarchy, were humbled in the dust; and every vestige of feudal abuse was utterly obliterated, even to the most harmless ornaments, and mere empty forms of the system.

We had, therefore, some right to expect from the good sense of that ingenious and gallant nation, a fixed disposition to maintain quiet among themselves, and peace with their neighbours, while they enjoyed the ease and prosperity for which they had paid so heavy a price. The main ground of our uneasiness was the series of events which closed the war; two marches to Paris; that capital, the object of every Frenchman's adoration, twice taken by the Cossacks; an English General twice occupying the country; and ultimately an army of English and Russians, holding it in pawn for the payment of ransom, and the performance of conditions extorted by main force. No doubt it was most unfortunate both for France and for Europe that the final settlement could not be brought about without such extremities as these. A sting was left to vex; a wound skinned over, still festered, and rankled. Any people of high spirit, used to victory, old in renown, must have felt this deeply. How much more was it likely to irritate a nation so peculiarly sensitive, so universally and perpetually warlike as the French! The fear naturally was that this soreness, under what name soever it might be disguised, being ever felt, might one day goad them on to break the peace, not to make conquests, which every man of ordinary sense sees to be utterly hopeless, but to wipe out, by some brilliant success, the stain fancied, and I will say, most erroneously fancied to rest upon their honour since 1814 or 1815, that temporary and accidental defeats might be lost in the returning splendours of success. That these feelings—these, perhaps, natural feelings—should give rise to hostilities, not against any of the powers by which they had been beaten, but against the popular constitution which they had obtained as their only share of the trophies in the war, was about the last result which could have been expected from the untoward circumstances of the peace. It was as if we dreamt that the French might imitate some ill-con-

ditioned brute of a husband, who comes home from being maltreated by those he cannot cope with, and revenges upon his unfortunate wife the blows he has received: And yet it is as certain as it is humiliating to reflect upon it, that the real complaint against the Bourbons, is their having been brought back by the armies of the Allies, and the people seem to fancy, that by wreaking their vengeance on their constitution, instead of their neighbours, they are getting rid of the Bourbons as a symbol of defeat! A suitor who had got an inadequate verdict in an action to vindicate his character, would not do a much more imprudent thing if he threw the damages into the fire, by way of making the slander be forgotten.

It must, however, be confessed that there were grave faults committed since the Restoration, and even since the change in 1830. The Peerage for life was one; and the allowing the National Guards to choose their officers another—both faults of the same description, as tending to weaken the Executive power, and undermine the Monarchical principle. I say both—because although the Peerage for Life seems at first sight to strengthen the Crown's influence in the Upper House, its ultimate effect must be to impair the dignity and lessen the weight of the aristocracy, and to deprive the Crown of a protection against the people, far more available than such an interposed body can ever be to the people against the Crown. The aristocracy of France from its poverty required every support. The infinite subdivision of land is if possible more fatal to a patrician order than to agricultural improvement; and the depriving that order of hereditary tenure, so as to leave it wholly dependent on the Crown, converted the Chamber of Peers into a feeble reflection of the Monarch's own separate powers—a body of royal nominees, with little more personal weight than so many pensioners.

But it was a greater fault, and one in an opposite

direction, to resist all attempts at improving the constitution of the popular assembly. The multitude of placemen who there had seats, gave an illegitimate influence to the Crown, and alienated the affections of the people from those who should have been trusted as their representatives. Still more, the judicial functionaries who were allowed to canvass for votes in the very districts where by their office they should only have distributed justice, and to sit in the Chamber as members, partaking of all the heats and of all the intrigues of the most factious times—both injured the character of the lower House, and operated incalculably to corrupt the administration of the Law. Some change in these particulars was imperatively required; the exclusion of magistrates altogether from the Chamber of Deputies, and the restriction of the other placemen, especially those holding office during pleasure, seemed to be a change almost of course and absolutely necessary in the present day, when such glaring abuses can no longer find defenders among any class of the community. The very limited number of persons possessing the elective franchise was an equally important defect in the constitution. In all France there were not above 250,000 voters, not a fifth part of those in England, regard being had to the relative numbers of the inhabitants. It was earnestly urged upon the late Government by their real and zealous friends—of whom I certainly accounted myself one—that the franchise should be extended considerably. This and the exclusion of placemen to a certain degree, would have made the Government as popular as could reasonably be required. In pressing this upon my respected friends, whom since their loss of power I am the more proud so to name, because their extraordinary merits, their talents, their acquirements, their literary and professional fame, survive their fall, my opinion was backed, not merely by that of those who agreed in approving our great measure of 1831 and 1832—but I

verily believe as much supported by those who widely differed upon it—men for whom I entertain a great respect—one of whom I revere, as all must ever do who feel grateful for his immortal services rendered to his country and to mankind.* My belief was, and so I represented, that after experiencing the inevitable consequences of refusing all reform, and how much greater a change had resulted from the refusal, he would himself, if consulted, have given his opinion in favour of a moderate change in France, even by the experience of England. Of course I am speaking without the least authority, when I state such to be my belief; but I am speaking of one of the wisest, the most candid, the most magnanimous of men, and one upon whom no lesson of experience was ever thrown away.

I have left untouched, in this very brief and cursory enumeration of grievances, the master evil of all—the leaving unaltered that bad law which compels the perpetual and indefinite division, splitting attenuation, crumbling down of all the land in the country—a law which has divided it into three or four millions of small patches, wholly unfit for any improved system of tillage, given constant occasion to insuperable difficulties in tracing titles, prevented anything like the formation of a landed interest, and deprived the constitution of an element absolutely necessary for the good working of a mixed government.—In favour of this bad system, the most powerful prejudices of the people are enlisted so universally, that it has been found impossible to entertain the discussion of any measure for modifying it; and the affairs of 1830, instead of affording any relief, rendered matters worse, by depriving the Crown of all power to authorize entails (*majorats*).

Now these were the defects—I have not sought to disguise them—of the constitution which the French

* Duke of Wellington.

possessed as the fruits of their first revolution; and no one can doubt that, notwithstanding these defects, it was a system of polity which secured to the country, in an ample measure, all the principal advantages of a popular government. But I will go farther. Had these defects been removed, I am not at all convinced that the influence of the people would have gained materially by the change; for if an extension of the franchise, and an exclusion of placemen from the Lower House, would have tended to restrain the power of the Crown, the increase of the Patrician power, by making the peerage hereditary, and by allowing land to be entailed, would have greatly secured the stability of the throne. But grant that the electoral system rested on too narrow a base—grant, too, that the Minister of the day could too effectually influence the majority of the Chambers—it must be admitted, that notwithstanding such defects, the great purpose of a popular constitution was accomplished. The Sovereign could not stir without an effectual constraint upon all his motions—the law could not be violated by any minister or any public functionary—the affairs of the nation were subjected to constant discussion in a public and independent assembly, responsible only to the country—the conduct of every person in the service of the State was liable to be examined, and his demerits not only exposed, but punished by persons whom the voice of a considerable portion of the people commissioned to perform that duty. Compared with these virtues which the constitution undeniably possessed, all its vices shrink into nothing. Compared with the solid, practical good which it secured, all the further advantages which might have been desirable, were really hardly worth a struggle—assuredly worth no struggle that could endanger the first of all blessings, the country's peace.

But what course was taken? Instead of attempting to reform the system by lawful means, or to change the Ministers who had given offence, or to exact punish-

ment by the course of justice for that offence, the indignation of the multitude in Paris suddenly bursts forth, because the police threaten to stop a dinner and a procession; an armed mob resists the authorities; an accident renews the conflict, after it had of itself died away; another accident occasions unnecessary shedding of blood; the populace, further exasperated, march to the Chambers, and without the assent of any regular body whatever, proclaims a Republic, of which no one had dreamt an hour before, and names as its chiefs some half-dozen men, of whom no one had dreamt at any time as rulers of the State! Then this work of some half-dozen artizans met in a printing-office, and leading on two or three thousand in a capital of one million souls, and a nation of five-and-thirty, is at once perceived to have the very probable consequence of uniting the ten or twelve thousand felons, chiefly discharged galley-slaves, who are always under the watch of the police, but always hovering about, ready for any mischief. A natural alarm is excited, that the Monarchy having been destroyed in one contest, all Paris may be subjected in another to fire, pillage, massacre. So by universal consent, the inhabitants of that great capital submit to the absolute dominion of the dictators thus suddenly appointed by a handful of armed ruffians, headed by a shoemaker and a sub-editor, and adopt, as if it had been their own work, the new Government thus proclaimed by that most insignificant band, without even affecting to ask the consent of any human being, or even to apprize any one beforehand of what they intended to do—nay, very possibly without having five minutes before formed any precise intention at all.

Yes! yes! this is the truth—the terrible truth! The like of this never was before witnessed among men—I will not say men living in a state of civil society, but among any collection of rational beings connected by the slightest tie, and combined for the common purposes of their joint defence, or their joint operations of any

kind whatever. That a total change in their social condition should be the sudden work of a moment—a change prepared by no preceding plan—prompted by no felt inconvenience—announced by no complaint—that all which had before been adopted with the approval, more or less general in the nation, at any rate submitted to in peace by all, should be instantaneously renounced, rejected, cast off, and every vestige be swept away of what had existed with universal acquiescence, and an entirely new order of things—an order in all particulars new—devised without the least deliberation, struck out at a heat, created off-hand as quick as a ready speaker can off-hand utter half-a-dozen sentences unpremeditated—that a few minutes by the clock should intervene between the old, obsolete, annihilated, and the span new, untried, and even unthought of,—truly this is a convulsion to which no former revolution ever known in the world offers the least parallel. The possibility of the event makes all established government insecure,—shakes to its foundation all confidence in existing constitutions, but most of all in popular governments. The marvellous sight of such a change having been wrought by a handful of men in Paris, and tamely submitted to by all France, for ever destroys our confidence in any system of political power which may in that country be reared. How solid soever its fabric may appear to the eye,—how broad and how deep soever its foundations,—reason and reflection will ever point to February, 1848, and prevent any notion of real security from springing up in the mind. We may contemplate the seeming castle as we do the creatures of our dreamy fancy—Memory points to 1848, and we awake to see the vision no more.

It is not, perhaps, a very difficult matter, though it might serve little good purpose, to trace the real causes of this extraordinary, and to all the lovers of popular government, all the friends of the people, this lamentable event; and nothing assuredly can be easier than

to show how entirely it differs in every one particular from all former changes in the political system of any country. To throw off the yoke of a despot, whose domination had become unbearable, even to get rid of the individual tyrant whose cruelty had rendered him execrable, or whose crimes had made him despicable in all men's eyes, even when little was actually suffered beyond the shame of submitting to such a ruler, "*Quo neque tetrius, neque fœdius, nec dis hominibusque invisius animal ullum excogitari potest; qui quamquam figurâ est hominis, tamen immanitate morum vastissimas vincit belluas*"*—has ever been deemed the right, nay, the duty of the people, and its fearless performance has justly made the leaders of their resistance be handed down to the remotest ages among the most illustrious benefactors of mankind. In such a calamitous state of things human nature revolts of itself; the feelings of the heart take the lead, and no process of reasoning is required to point out the duty of resistance; the fear of failure alone remains to be overcome; and a continuance of the scourge puts that, with every whisper of prudence, to silence. In the far less pressing exigency produced by an established despotism, working regularly and without any gross abuse, men's minds require to be prepared for changing it; and it will always be a question of degree how far the movement to destroy such a system is justified. Certainly it never can be lawfully undertaken until after all means have been tried and have failed to bring about peaceably a mitigation of the evil, and even then never without a prospect of successful resistance. Where an absolute monarchy of another description exists—what may be termed European, as contradistinguished from Asiatic,—a monarchy such as those which arose out of the Feudal system, and while they gave some security to the subject, conferred far too large a power upon the

* Cic., *De Repub.*, ii, 26.

sovereign; it becomes still more necessary fully to weigh against the evils endured, the risks of the change, and only to embrace this perilous alternative when the path to certain improvement is plain. The history of many despotic governments affords instances of the first kind of change—as the expulsion of the Pisistratidæ at Athens, and the Decemvirs at Rome; the continual change in the Sovereign's person under the Roman Empire; the frequent violence committed on the Czar in Russia, the Sultan in Turkey, and the Sofy in Persia. Of the second class we have but few examples in modern times, and none so famous in ancient, as the expulsion of the Kings and foundation of the Commonwealth at Rome. But both these two cases assume that men's minds have been long turned to the contemplation of the grievances complained of, and to the discussion of the remedies; that a general agreement has been come to in favour of the alteration; and above all that the people are prepared by their lights and by their habits for the new order of things with which it is proposed to replace the old, when the movement is not confined to merely getting rid of the individual tyrant. A revolution in Turkey or in Russia, for the purpose of establishing a representative government, would be a ridiculous as well as a pernicious operation. I take leave to question the wisdom of a similar movement in certain portions of Italy, and gravely doubt if the last experience of a Parliament in Sicily,* which only served to cover its contrivers with

* "As soon (says a traveller in Sicily) as the President had proposed the subject for debate, and restored some degree of order from the confusion of tongues that followed, a system of crimination and recrimination was invariably commenced by the several speakers, accompanied with such furious gesticulations and hideous contortions, such bitter taunts and personal invectives, that blows generally ensued. This was the signal for universal uproar, the President's voice was unheeded or unheard, the whole house arose; partizans of different antagonists mingled in the fray, when the ground was literally seen covered with combatants, kicking, biting, scratching, and exhibiting all the evolutions and manœuvres of the old Pancratick contests."—*Hughes' Sicily and Greece.*

confusion, offers any great encouragement to repeat the experiment now. Nor do I suppose any marked advance in civility and in the habits that humanize the people, can have been made since my lamented friend Lord W. Bentinck's time, when I find the inhabitants of Messina, within the last fortnight, actually guilty of atrocities exceeding in barbarity the orgies of the cannibals in the South Sea Islands.

There is still a fourth kind of revolution justified by all sound principle, and of which auspicious examples may be found in history. When a Government, be it of a Prince, or of an Oligarchy, aye, or of a Commonwealth, is preparing to subvert the constitution;—a Prince to render its popular frame despotic, a faction to make it oligarchical, a democracy to bring about mob tyranny, ending either in despotism or anarchy—the right is incontestible to take precautions against such attempts, to resist them, and, if need be, to change the persons of the rulers, or even, for better security, the form of the Government. Our Revolution of 1688, is one most remarkable example of such a movement; that of France in 1830 is another. But all revolutions of this description, although they may be brought about without long previous suffering or preparation, are nevertheless nothing like a sudden movement. They only happen more suddenly than the other kinds I have mentioned, because the conspiracies against the country and its constitution may not have been a long while contriving; those conspiracies are the cause of the violent change.

The first French revolution belongs to the third of the classes which I have enumerated. A monarchy had, like all those which arose out of the Feudal system, been originally limited, as far as the Sovereign's power was concerned, by the influence, indeed by the direct and substantial power, of the territorial aristocracy, and had, during some part of its history, been also connected with popular institutions, by the custom

that had grown up of assembling under the name of States General, a rude kind of representative body. It had become further improved by the establishment of Courts, not only exercising their proper judicial functions with great acceptation, but opposing also, by a kind of encroachment, something of a real barrier to the action of arbitrary power. This monarchy had thus bestowed considerable influence on the great body of the people, and been ultimately cast in a mould which excluded, generally speaking, all the more violent exertions of power, all mere caprices of rulers, securing a share, though an uncertain share, and by very clumsy, inartificial contrivances, to the public voice, in administering, and even in making, the laws. An able and fearless Minister had afterwards materially altered this constitution, by discontinuing the assembling of the States; and then the interference of the Parliament had been confined within narrow bounds. Yet still considerable vestiges of a better system were in existence; and many valuable improvements might have been built on that foundation. Meanwhile the progress of political knowledge, and the intercourse with their nearest neighbours, living under a free constitution, brought all the principles of government into discussion. Improvements were loudly demanded by speculative men, while they inculcated strenuously the doctrine of popular rights. The Court, however, far from meeting such demands with any concession, continued more lofty than ever in its assertion of prerogative. To public misconduct private was added; with the great error of not knowing when to yield gracefully and opportunely, was combined the fault of profligacy and contempt for decorum. The minds of men were prepared for some tokens of popular impatience, even before the fatal step was taken of aiding the British colonies in their revolt against the parent State; and the derangement of the finances making it necessary to assemble the States General after an

interval of a century and three-quarters, no observer of ordinary discernment could fail to perceive that a general revolution was at hand, and only to be averted or stayed in its approach by concessions which must change the whole face of the system. Those concessions were made; they came too late; and after a struggle of three years the Monarchy was wholly destroyed. To effect this subversion, then, three years were required, and three years of fierce revolutionary struggle. After half a century of discussion, and three times as long a period of suffering under serious grievances, had prepared men to take part in these civil contentions—after so many warnings had been given in vain to the possessors of power,—after so many opportunities of escape had been neglected,—after patience on one side had been exhausted, and all the resources of misgovernment on the other hand had been exhausted too; even after all this time taken to prepare it, the Revolution was only effected by degrees, and by steps, under a continuance of the same systematic error as long as the struggle lasted; while the yet greater fault of uncertain councils and want of firmness, alternating with blind rashness, was added to the series of blunders in which the crisis had begun.

It would be difficult to imagine a more striking contrast than the late revolution presents to that which we have been briefly contemplating; and the whole comparison is decidedly against the more recent alteration, showing it to have been without ground, without pretext, without one circumstance to justify or even to account for it, if we make a single exception, the familiarity with change, the proneness to violence, the habit of undergoing morbid convulsive movement instead of the healthy natural action of the politic body—a habit superinduced by the disasters of the times, and the use of powerful stimulants. But we are not now dealing with the topics of defence or extenuation; we are only viewing the singularity of the proceeding—the singu-

larity which distinguishes it so mightily from the revolution of 1789, and indeed from all other political changes, that we contrast it with the older event, almost as strongly as Mr. Burke did that revolution with our own of a century before.

A regular parliamentary opposition had been for years formed to the Ministers of the King, and it had been not only constantly defeated in the Chambers, but still further discomfited by the result of the general election, which considerably increased the majority. The principal ground of attack was the refusal to remove some of the defects which I have pointed out, especially the sitting of placemen in the Chamber of Deputies, and the too limited elective franchise. Those points had been urged before the dissolution, and they were taken up by persons out of doors, forming, in particular, the leading topics of the speakers at public meetings. When the new Chamber met, the intention was announced of renewing the same Reform discussions; and when it was found that so large a majority was returned for the Government—the usual tactics of popular parties were resorted to, the contest was transferred from the Chambers to the public meetings—and a more than usual number of electioneering dinners took place, at all of which the favourite topics of the day were abundantly handled. Yet, neither in nor out of doors was any disposition shown to assail the Government, excepting by the ordinary weapons of party warfare; no inflammatory matters were brought forward in order to excite violent animosity; no very long list of grievances was paraded before the people to exasperate their discontent; no such exaggeration was resorted to by any writer or speaker in any place, as representing the liberties of the country to be gone, or even to be in jeopardy; no such extravagant position was ventilated as that the constitution in its existing state, the Government by the Charter, did not secure a great share of freedom to the subject, and impose material

restraints upon the Sovereign. Far less did any one breathe a whisper of enmity to the dynasty; indeed, generally speaking, there was little personal disrespect shown towards the illustrious Prince, who, with extraordinary ability and complete success had, in times of foreign and domestic difficulty, steered the vessel of the State in safety and in peace during a period of above seventeen years, and whose private conduct was as unimpeachable as his capacity for affairs was renowned.

I have expressed my very decided opinion that the refusal of certain reforms was unwise; that it was unhappy none can doubt. But other errors, I am bound to confess, were added to this ill-fated refusal; errors calculated to strengthen the opposition in proportion as they injured the ministry; but nothing more. The supporters of one party might take advantage of them, and regard them as singularly fortunate for themselves; their adversaries might struggle to palliate those faults, and their adherents might lament them; that was all.

But the finishing blow was given to the Ministry's chance of weathering the storm, by the prohibition of a public banquet, that had been prepared with some parade, and was expected to attract a great concourse of guests. The ground of the prohibition made it worse, for it was the forgotten law of the Convention; an authority extremely ill-chosen, even had the decree ever been acted on, which it never was, either at the troublous time of its promulgation, or in the more tranquil seasons that succeeded.

We need go no further in enumerating the errors of the Ministry, and adverting to the successful use made of them by their opponents; because the yet more grievous blunder of first forbidding, then allowing, then again forbidding the assemblage, all within two or three days, belongs to the period of the crisis itself, which was so suddenly succeeded by the convulsion. But granting to the fullest extent the gravity of the errors

committed by the Government, and the right of the Opposition to take every fair party advantage of them, no one can pretend to believe that there was in the whole affair more than the common play of political party, the ordinary conflict of faction, exasperated, if you will, by somewhat more than the accustomed heat, and embittered by the defeat which the one set of men had sustained at the elections, by the pressure under which the other was smarting from the increased hostility both of the press and the public meetings. It was a Ministerial crisis: it was a Parliamentary struggle of more than ordinary violence; it was an obstinate and a rancorous fight for the defence and the capture of office—a contest in which power, and perhaps political character, were at stake; but in nowise one in which the monarchy, *summa imperii*, was ever for one instant of time supposed to be in question. A change of ministry, total, perhaps sudden, possibly violent, as far as debates in Parliament, or resolutions of meetings went—a change in which threats of censure and impeachment might be bandied about, and the accustomed decorum of the senate be occasionally violated; all this was on the cards, and might have happened without surprising any one; but nothing more. Any revolutionary movement was as much out of the question a few hours before the Monarchy ceased to exist, as it is at this moment in England; as it ever had been in France from the month of July, 1830, or of July, 1815.

But these few hours completely changed the face of affairs. The mob, led by a few agitators, got the upper hand. The National Guards, afraid of having their shops attacked, their windows and toys broken, declined to do their duty; no sufficient number of troops was assembled, and these were ill distributed; some hundreds of young men, eager to distinguish themselves, headed the multitude; a number of boys from schools took part in the fray; a more powerful

body of banditti, discharged from the galleys and the prisons, and always congregated in the capital from whencesoever they come, joined in the disorder which is so congenial to them, eager for the pillage which they surely foresaw; the Abdication took place, the Regency was proposed and accepted both in the streets and in the Chamber of Deputies; when all of a sudden an armed mob rushed in, overpowering the sentinels; terrifying the members, who fled in all directions; and some one, apparently giving vent to the emotion that filled his bosom, exclaimed, like the woman in the German play, "A sudden thought strikes me! Let us swear an eternal Republic—let us vow to live together under it." No sooner said than done; the Monarchy is abolished; the Republic installed; and the mob instantly name eight Dictators, to rule with absolute power over the free Commonwealth, and, using the authority of the Sovereign People against their persons, to domineer over that people in the People's own name.*

It is here I take my stand on behalf of all free States, all popular Constitutions. Of the defects in the former Government I say nothing; of the offences charged upon its ministers not a word; the merits of a Republic I pass entirely over; it may for me be the most perfect form of polity that the wit of man can devise, and Monarchy may have all the sins that ever democrat charged on Royalty; the change of the old Government may have become expedient—even necessary; and the act which replaced it with a new one, may deserve all the praises that have been lavished upon its perpetrators,—nay, the absolute power held

* The shoemaker Chenû, begins one of his depositions thus:—"I was one of the twelve who, at the office of the *Reforme* Journal, 24th Feb., after the taking of the Tuileries, *formed the Provisional Government*, at least the part of it which was to form it together with the other part left to the choice of the *National* Journal."—*Report of the Commission to the Assembly*, vol. i., p. 187.

for three months by men without the shadow of a title to any authority at all, may have been wisely, mildly, ably exercised—of all this I stop not to inquire. My objection is to the manner in which the change was brought about—to the sudden, unpremeditated revolt, and as sudden unpremeditated displacing one system and establishing another,—to Revolutions made with the magic wand of an enchanter,—Monarchies destroyed at a blow,—Republics founded in a trice,—Constitutions made extempore—*improvised*—I must use a foreign word—we have none to express the thing—our sober English habits with difficulty allow us to utter a few sentences in this unpremeditated fashion; we have neither the wish nor the power to make anything but a speech off-hand, and hence are without the means of describing so fantastic an operation. But the phenomenon of its being, and now for the first time exhibited to the incredulous wonder of mankind, is well fitted to employ our most serious thoughts; and I will fearlessly predict that sooner or later it will cause those most deeply to ponder over it, who have the deepest interest in its consequences, the French people themselves.

The inevitable result of this experiment is the destruction of all confidence,—all sense of security in any existing Government. None can now be held safe for an hour. No appearance of stability can avail anything. No possession, however quiet, can secure the title; no surrounding calm can give the certainty that all is safe. However deep, however broad, the foundations may be laid, a sudden blast of the popular gale may level the structure in the dust. Indeed, the insecurity which has now been proved the lot of all, is much more remarkable in Free than in Absolute Governments. In these a sudden rising may destroy the ruler, but there is little risk of the system being changed; in those the safeguards of the people may at a moment's notice be converted into the instrument of destroying both the

present rulers and the scheme of polity over which they preside.

But above all there is an end of confidence in any Constitution which may be established in France. The lesson is now taught by the experience of February, 1848, that to change its form of Government requires no long series of complaints,—no suffering from oppression, whether chronic or acute,—no indignation at abuses,—no combination of parties to effect a change,—no preparation for converting the opposition to a Ministry into war with a dynasty. It is clearly ascertained that it only requires to change the whole face of the political horizon, that a banquet or a procession in Paris, or any other show, should gather a crowd—that a few hundred men should desire to distinguish themselves in fight, or rather should have the vanity upon them of being praised for gaining street trophies where there were no battles; while one part of the mob chooses to have its ears tickled with applause for "sublime conduct," "heroic self-control," "splendid mercy," in the moment of triumph preceded by no victory; and another part wish to gratify the more substantial desire of wholesale plunder; and all take such delight in stage effect, in *spectacle*, in *coup de theatre*, that to gratify it there is no price in blood—in *other's* blood—which they would not cheerfully pay. Let but such men be seized with such a passion, and we see the consequence—it is the instantaneous destruction of the existing Government. For the sad experience of 1848 shows that nothing can resist them in their determination at all hazards to seek its gratification; and indeed it equally shows that hardly any resistance will be offered. The National Guards will think only of their shops and their brittle wares, and avoid acting, provided they see no risk of pillage following the outbreak; the bulk of the inhabitants will yield implicit obedience to save their lives; Paris will be conquered, and all France will take the law from Paris. Thus the agitators have

only to let it be clearly known that the shops and their inhabitants are safe, and the day is their own, as soon as their warlike spirit is up and they are minded to have a fight and a Revolution; the show of a fight, the reality of a Revolution. This was understood in February; in June it was otherwise, and the plot failed.

A constitution which is manifestly in all men's eyes precarious, can never engage their love, because it never can inspire them with confidence. It is seen to be a building upon the sand, and our respect is only commanded by the structure founded upon a rock. The moral taste at once rejects mere symmetry and ornament; solidity alone is beauty in such works, and where there is an ever varying aspect, the marks of solidity vanish. The contemplation is of a fabric that appears at one view, to have one form and colour, and when we avert our eyes and think of it no more, it has assumed a different shape and hue, or peradventure has been swept away by a puff of wind; and when we awake as it were from our reverie, not even the ruins are left, but another building has been raised to bewilder our imagination. Nay, it is worse with a political system that is ever changing; for we can form no definite idea, no distinct picture of it, to remember when it is gone; we can only mark the constant change that it is undergoing. It becomes a mere ideal abstraction, and men's affections never can be engaged by such things. Patriotism is engendered by the love and respect felt for real existences, for a constitution fixed and defined, not conditional and provisional. Men feel devotion to a real country not to an ever changing abstraction—what they know, that they can love—what they distinctly apprehend, in that they feel an interest. What never abides long enough to be understood, but is ever flitting before them, that they can care little about. When Mr. Burke unfolded the real meaning of what we call our country, and love as

such; when he described the desolation of England, its institutions destroyed, its society broken up, all its worthier inhabitants, the resources, and the ornaments of the state, dispersed in exile, and the land left widowed and forlorn,—he justly asked if that was the country to which his affections could cling. But even the picture he then drew, represented an object far more capable of inspiring patriotic attachment than the ephemeral Republic of France now displays to her people; for no man can pretend to tell what it is; none can apprehend its form and character; or can even hazard any conjecture of its fate. All that is certain is its uncertainty—all they know about it is that they know nothing. To prevent general anarchy—universal confusion and bloodshed—a kind of tacit agreement has been come to, that whatever any persons may do who by any chance happen to be at any time in the possession of force of any description, shall be submitted to as long as they can preserve a shadow of peace—the name rather than the reality of that blessing. That a Government so constituted should possess any real strength, or have any firm hold on the public mind—that a state thus administered, and existing as it were for the moment and by sufferance, should be regarded with the affectionate devotion which we call patriotism —is altogether out of the question.

It is equally impossible that men should care about the form which such a Government may assume; for all feel convinced that it can only be temporary. Their representatives may go through the farce of deliberating upon a new constitution; who cares about the result of their debate? Who gives himself the trouble to reflect whether a wise or a foolish system has been formed—whether knowledge, drawn from calm observation of other people's experience, from learned comparison of various schemes actually tried, or presumptuous ignorance, or vain, futile, visionary speculation, guides or inspires those who now profess to be

engaged in by far the most difficult work that mortals can undertake—a work indeed hardly possible to be executed, because no man can foresee things that are afterwards to happen, and few men can even exercise full and accurate circumspection of those things that actually exist around them.

Such thoughts naturally occur to any one considering what is now going on in the National Assembly; but who in France gives himself the trouble to consider those proceedings otherwise than as an uninterested spectator? As we at a distance, and having little to do with it, look on and wonder at these constitution-makers, and note with amazement the hallucinations of clever men led astray by theories, and resolved to profit in no one particular, by their own costly, but precious experience, or by the instructive example of their neighbours; so their own countrymen, for whom, or it may be against whom, they are labouring, seem to look on as if the work doing were no concern of theirs, and feel no kind of interest in its progress. They gaze as on a stage play, and care about as little for the result of this drama as for the catastrophe of that. They look as on the soap-bubbles which are blown out by children in their sport, and are to vanish immediately—not as on those which the philosopher forms, in order to teach him the properties of light, and the nature of colours. Indeed, some political lessons might be learnt from the blunders of these men; but the successful wisdom of others is far richer in the instruction which its happy results convey. Be that, however, as it may, the fact is incontestable, that the debates on the constitution excite no interest among the people for whom it is now framing. France has had so many within a few years —somewhere about ten, including one or two which fell still-born from the womb of the anarchy they were conceived in—that the eleventh could hope for little attention, even had its plan been sketched out in a less turbulent season. But coming as it does, after an

extempore Revolution and subversion of Monarchy had made way for an *extempore* Republic, the most devoted friend to the present order of things cannot affect any concern about a form of Government which, in all likelihood, will have the kind of permanence with the kind of merit which may be allowed to the voluntary that a third-rate artist executes upon the organ.

It did not require the events of April, of May, and of June — the narrow escape from general revolt, obtained by an imposing military force in April—the still nearer danger of a total convulsion in May—the massacres of June, when, after an obstinate and doubtful conflict of several days, the Government was rescued from entire destruction, and the reign of general anarchy arrested in its approach—it did not require these first-fruits of the Revolution, to teach us that its after produce must be the utter want of all confidence in whatever system should arise out of its consummation. But doubtless these lamentable scenes were well fitted to bring the truth home to the most unreflecting minds; well fitted to damp the most sanguine of Republican temperaments; well fitted to show how fleeting must be all hopes of a calm succeeding the tempest of February; and to prove how brittle the structure of whatever might be raised on the ruins of the subverted constitution. Accordingly some, of eager minds, who had continued to hope against hope, and to flatter themselves with visions of returning peace after the fury of the mob's passion should subside, at once gave over all expectation of any regular, any stable arrangement being effected, after they saw what mere accidents saved the Provisional Government in April and May—after they saw its narrow escape from destruction in June, if, indeed, it can be said to have escaped, when, though not destroyed by the savage multitude, with their felon allies from the hulks, it was entirely suspended—the persons who administered it

degraded, and a military despotism erected, as the only means of saving the capital from fire and pillage, —that city for which alone any interest seems to be felt in all these strange proceedings.

It is truly a most serious evil for any people to be placed in this position of entire indifference to the frame of the government which their representatives are engaged in devising; and still more if, as is quite inevitable, the same indifference in good part extends to those representatives themselves. A new source of error, and a most fearful one, is added to the ordinary one of factious and personal feelings, always ready to bias those engaged in making the laws. The control of public opinion too is removed—for a public that is indifferent to what statesmen are doing is really no public at all, and the disturbing force of those party and personal feelings becomes far more powerful. What can be expected from legislation carried on in such circumstances? What, but that its results should betray their source, partaking of all the errors which party resolutions and selfish motives can produce? What, but that the constitution, when promulgated, should be found, in most parts, a crude, ill-digested, inconsistent scheme; in others a scheme to consult individual interests rather than the general good—a system in which the most obvious considerations are wholly overlooked, and the observer is left at a loss to determine whether its blunders of omission are more glaring than its sins of commission are flagrant?

But how careless soever the people may now, and very naturally, be of what is going on in the Assembly, it is necessary that some attention should be given to it by those who would help and serve that great and estimable people, in spite of their own indifference, by pressing upon their consideration, and that of those who, for the moment, rule them, certain truths never to be lost sight of by those who would frame constitutions —truths which may be of some practical use after the

tempest, that now rages, is lulled. It is of great importance, too, that other nations, who have followed the example of the late Revolution, should be urged to save themselves from falling victims to its consequences.

I have already said that the framing a constitution for a long settled, and densely peopled country, is a work which, well to execute, passes the powers of human genius. Even in the establishment of their new government, the Americans, who had a nation of recent formation to deal with, and a people scattered over a boundless expanse of fertile land, did little more than change the names of their old constituted authorities. They had been used to a Governor in each province, with two Houses, on the model of the mother country. They appointed a President, a Senate, a House of Representatives in each state, and the principal change which they effected was by the Federal Union, which, again, was administered by the same three powers, bearing the same names. So, when a century earlier, and at a time more favourable for trying political experiments, because in the infancy of the colonies, no less a man than Mr. Locke was employed to frame a constitution for the Carolinas, and thought he might give a loose to his speculative views, a plan was struck out materially differing from any form of government then known, and founded upon purely theoretical principles. But it would not work, and after a trial of two years was abandoned altogether.*

In truth by far the most difficult tasks that man ever set to himself, are the making of a new Constitution,

* Land was laid under strict entail by Articles XI. and XVIII.; four Chambers were appointed by Art. LXXVII., but only to decide whether any new law was an innovation on the constitution, and if so, to reject it; by Art. LXXI., all the four Chambers were to sit and vote together as one body. No innovation being allowed, no commenting or discussion of any law was permitted by Art. LXXX.; and all laws were to expire of themselves every hundred years, by Art. LXXIX. There are numberless other extravagant and fantastical provisions in this, the very least valuable of all that great man's justly celebrated works.

and a new Code of Laws, but the former by much the more difficult of the two; because if there be sufficient powers possessed by the ruler, obedience to the laws can be, though difficultly, enforced, however imperfect those laws may be; whereas the working of an untried system of government has to encounter all the resistance of man's passions, and is disturbed by the friction of its several parts. The source of the difficulty, however, is the same in both cases, the having to work with human beings, and not with inert matter as the mechanist does. Add to which the impossibility of foreseeing future events, from the want of such fixed rules as govern the motions of matter, and enable the mechanical contriver to predict how far his arrangements are likely to succeed, providing for the removal of foreseen obstructions. Man has no faculty of foresight as to human conduct. He can see pretty clearly things passing around him; still more distinctly behind him things already past. In front of him, as to things future, his vision extends not at all. The more essentially necessary is it for him to examine carefully all that he has the faculty of observing, to profit by the experience of the past, and by the appearances of the present, in choosing his course for the future. Hence it may really be laid down as a maxim in the Philosophy of Politics, in the science of Government, that no system can be safely constructed all at once by human wisdom, but must be the result of experience, of repeated trials, and some failures,—not of inventive combination, arrogantly hazarded, but of a tentative process modestly undertaken. Laws are made; Codes and Constitutions grow. Those that grow have roots; they bear, they ripen, they endure. Those that are fashioned are like painted sticks planted in the ground, as I have seen Trees of Liberty; they strike no root, bear no fruit, and swiftly decay. Nature, indeed, as Bolingbroke says, beautifully translating a beautiful passage of Lord Bacon, "throws out altogether, and at once the whole

system of every tree, and the rudiments of all its parts; but she leaves the growth to time."

'Mulcent auræ, firmat sol, educat imber.'

Man must proceed by other degrees, and by adding part to part as he finds may suit his ends. Even in Architecture, I know not that I should prefer for comfort and convenience, to have a house built wholly new from the ground, though it might very possibly be beautiful to the eye, and certainly might be formed to humour any fancy I had to indulge. It is better for living in, to make additions and alterations in a house already built and inhabited, strike out a window here, block up one there, raise this wing a storey, make a new range, where convenient add a portico or a colonnade, in short, meet the successively discovered wants by successive improvements; and while you preserve as much symmetry as is consistent with the main use of a house, convenient habitation, keep the new parts in character with the old, but be not bound down by any inflexible rule, or antiquated prejudice, so as to sacrifice ascertained usefulness to mere love of uniformity or respect for antiquity. The experience of men is with me in this matter, they generally find it the most prudent course to take; they risk little, they profit much, they dwell in convenient lodgings—while less prudent men raise fine mansions which they don't much care to inhabit, and by the costliness of their plans, give rise to the saying, that "fools build houses for wise men to live in."

Thus my confidence is apt to be but moderate in any of the works constructed by the makers of constitutions. But of this I am morally certain, that they cannot too deeply ponder upon the experience of others before they set to work. The structure and the working of a good form of government in another country ought to be a subject of their constant and most careful consideration. How to profit by the example, imitating

the arrangements that have in practice been found to answer, keeping what has proved on trial to be useful and needful, pruning away whatever has proved useless or noxious, should be their untiring study. Hence it is difficult to imagine a more grievous error than the French will commit if they fail to examine minutely the different parts of our popular Government, and to adopt those which have been found to work best with us. To despise our experience would be a great oversight; but to turn away from the lessons which it teaches merely because it is ours, and because they are too proud or too prejudiced to borrow from England, would be the very extreme of childish folly. As well might their physicians prefer letting their patients be killed or disfigured by the confluent small-pox, because vaccination was discovered by an Englishman. As well might the traveller prefer crawling at the pace of five miles an hour to flying at the rate of fifty, because Watt was an Englishman. We have a Parliamentary constitution which by slow degrees, has in the course of eight centuries, been improved so as to give us the inestimable blessing of a free government, with stability and order,—a popular legislature, with a firm and efficient executive. Under this system, while liberty has been protected, the peace of the country has been preserved, and its prosperity increased to an unexampled pitch. Our position is in all respects the envy of every other nation in the world, with *perhaps* the exception of America; and I make the exception with something more than hesitation. In France I know that, at this moment, our happiness is the object of envy, and especially the happiness of possessing such a constitution. All the letters from Paris breathe these feelings, accompanied generally with prayers for our long continuing to be the example of free and stable government. Is it possible to conceive a more pitiable folly than theirs, who would shut their eyes to that goodly and solid structure, while they are engaged in raising one which may prove

sufficient for the wants of the very people that are thus turning their looks of envy towards England? I speak of their present feelings; for it is melancholy to think, and to them the retrospect must be mortifying, if not humiliating, how little cause they had to envy us, or any other neighbour, one short half year ago, when they enjoyed an ample portion of liberty, with that prime blessing, order, and the prospect—alas, how deceitful—of permanent security,—were making rapid progress in all the departments of gainful industry—reaping the benefits of the richest variety of soil and climate which any nation was ever favoured with—and profiting by every improvement, whether in the arts, or in commerce, or in policy, which could be reached by the science and the skill of the most ingenious and most laborious people in the world!

But if it is certain that important lessons may be derived from our example by those who have engaged in the manufacture of constitutions, I must again and again dwell on the great truth, that this is not the best way to profit by experience or observation. Gradual amendment, the result of mutual concessions between contending parties, is the sure and safe course to pursue; and the French threw away the chance of that when they submitted to a total and sudden change. Nothing can be more important than to keep this principle in view; indeed it is the great lesson taught by the whole of the English Constitutional history; and I do venture to address other nations, moved and shaken by the events in France, and some whom the visitation has not yet reached, imploring their best attention to the most essential consideration that can be presented to men's minds when contemplating great political improvements.

The combination of different interests and powers is the great advantage of a mixed constitution, and the best preservative both against encroachment of one part, and error in the action of the whole. With us bounds

are set to the power of the Crown, when the executive desires the adoption of unpopular measures. It is thus, above all, that when the Lords and the Commons differ, many bills are agreed to by the two Houses, to different parts of which each has many serious objections; because though each House has the absolute power and unquestioned right to throw out the measure it dislikes, yet both will rather be satisfied with less than it desires, yielding a little rather than urge on the extremity, which both always desire to avoid, of a collision between the two bodies. Thus it is, too, that even a minority, and no very numerous minority, in Parliament, can influence the course of Government, and modify the measures proposed—so that the Government is like a body acted upon by two forces (not antagonistic, as speculative theorists suppose them always to be), which takes not the direction of either, but moves in the diagonal, inclining more towards the more powerful impulse of the two.

Now, this being the natural and safe action of political power,—only see how fatal the late sudden and violent Revolution has proved, and how injurious all such convulsive movements ever must prove! By degrees the defects in the French Constitution would have been felt so generally that the public voice would have required their removal. The exclusion, for example, of all placemen being called for by one party, the other would have resisted any exclusion at all. But repeated discussion and the exertion of the popular influence would have made it impossible to hold out long. A part of the people's wish would have been accomplished; and though some placemen would have been allowed still to sit in the Chamber, others, above all magistrates, would have been excluded, to the incalculable gain of both the political system and the administration of justice. So of the elective franchise. The wild scheme of Universal Suffrage never would have been adopted, a scheme which no party, no class of reasoners,

nay, I believe no rational man in France ever recommended before the tumult had involved all in confusion. Nor would as ample an extension of the electoral lists have been given as many might have deemed desirable and safe; but in all likelihood the rational and important measure would soon have been carried, of giving votes to all who were liable to serve on juries, and of enfranchising without regard to property, the classes connected with science, letters, and the arts; an extension most consonant in itself to the soundest principles, most fit to be adopted even by ourselves, and most desirable in France as tending to keep those important classes away from the vile trade of agitation. But these and other changes, well deserving the name and the praise of improvements, would have been the peaceful fruit of discussion, of deliberate consideration, of politic compromise; they would have amended the system, not only exposing it to no risk, but increasing its stability; they would have given the structure a broader basis, a deeper foundation, as well as more commodious apartments; all would have been more convenient, and also more solid. It is truly a mournful glance that one is compelled to cast at what might have been, contrasting it with what is.

But such as I have described is the safe and politic course of improvement, the only true reform of abuses in any country's institutions, and thus was our excellent constitution slowly formed. At first our great Barons, the landowners of the realm, few in number, of large possessions, of overgrown power, offered united opposition to the domination of the Sovereign; and thus afforded some protection to the people, who were indeed their own retainers, or the townsfolks living under the walls of their castles, and so rather sharing the immunities of their lords than receiving any consideration for their own sakes. By degrees the towns and their trades increased in importance; the smaller proprietors of land became also more numerous; and

the representatives of both classes were allowed to attend Parliament, rather at first in order to authorize the levy of taxes for the Sovereign's necessities, than with the view of conferring any privileges upon themselves. The elected members now began to sit in a chamber of their own, apart from the nobles and prelates; they were allowed to choose their president, and the rule became established in law, though often broken through by the Crown, that no tax could be imposed without their consent. The necessity of obtaining such supplies, however, increased, because the land revenue of the Prince could not keep pace with the growing expenditure of the Goverment, and because the feudal obligations to service only produced an insufficient force of precarious continuance. Foreign wars rendered more taxes necessary, and in order to obtain them, privileges were allowed to the Commons. Defeats abroad sometimes reduced the Sovereign to make more concessions at home; though victories as frequently enabled him to neglect the wishes, and violate the privileges of the Parliament. But it gradually became a principle, that no ordinance could have the force of law, to which King, Lords, and Commons had not assented. The accession of a family to the throne by mere usurpation, without any title, reduced the Sovereign during three reigns to entire dependence on the other two estates. A disputed succession gave rise during another half century to contests, in which the nobility took an eager part, and were almost extirpated; and this lowered the aristocratic power, emancipating the Crown from the remaining shackles of the Feudal monarchy, without benefiting the people, or adding to their security against royal oppression. Nevertheless, in the course of the next century, the importance of the Parliament so far increased, that the Sovereign found it expedient to acquire influence over its members by the exercise, sometimes of threats, sometimes of patronage. The diffusion of knowledge,

and the progress of civilization, gave the Parliament authority over the people, and this increased the Sovereign's desire to stand well with that body. The principles of a free government came now to be fully and generally acknowledged, and the right of the people to enjoy its protection was first asserted, then recognized by law. Disputes having arisen between the Sovereign and the Parliament, in consequence of his pretending to exercise arbitrary powers, a rebellion ensued, and a change of the constitution was effected after a struggle of several years. The disgust occasioned by the new rulers led to a reinstatement of the old hereditary family, without any security being obtained against abuse, or against the arbitrary exercise of power; so that not the least change in the government was left after the Restoration; all things remained exactly as they had stood before the rebellion. Some years later, an attempt to violate the constitution in Church and State led to the expulsion of the restored family, but no change was made in the form of the government; its principles were only more distinctly declared, and the Crown was given to the next branch of the family that happened to profess the religion of the State.

Many improvements were afterwards from time to time effected in the mode of conducting public business, some few in the constitution, particularly in the judicial department; and no attempt being now even thought of to rule otherwise than by the Parliament's assent, the chief abuse consisted in the large influence acquired by the Crown over its deliberations, from the increasing amount of patronage, the number of placemen sitting in it, and the aristocratic power over its deliberations, derived from the property in seats. Some remedies were provided for these evils, but apparently inadequate to meet the mischief complained of; till all compromise with the reformers having been very unwisely refused for fifty years, by those who took

alarm at the prospect of any change, our Government, some sixteen years ago, succeeded in carrying a very extensive measure of amendment, but a measure in which many traces are discernible of the parties being unwilling to think of extremities, and therefore disposed to compromise regarding a portion of the matters in dispute. Indeed, our carrying the measure at all was itself a compromise, the Crown and the majority of the Peers having given way to the minority of that House and the majority of the Commons, in order to avoid a collision between the popular and patrician branches of the constitution. An improved system has been the result, and it has gone on working by constant compromise and mutual concession; the Crown and the Peers gaining their objects more frequently than the Commons, notwithstanding the success of the latter in 1832. The result, then, has demonstrated that the constitution was then improved, not shaken—repaired, not changed; and in its amended form, with its vigour renewed, it has continued without for an instant undergoing the least risk of violent change, and is capable of safely receiving whatever further improvement experience of its working may suggest, or of any alteration in its new arrangement which experience may prove to have been ill devised.*

Had the French plan been pursued in 1832, had matters been pushed to extremities, and the rude shock of a convulsive movement been given to all our institutions, two things would infallibly have happened; a more sweeping change of the Government would have been effected, a bad system being erected on the ruins of the good; and this new order of things, after doing incalculable mischief to the best interests of the country, would, in its turn, have been set aside for the old one, restored with all its abuses, and without any improvement whatever, probably with some defects

* See next Dissertation.

which had long been eradicated, certainly with such a dread impressed on men's minds of any new convulsion, that for some generations no one would have ventured to speak of reform, and the rulers might safely have indulged in the most irregular and oppressive measures. The Great Rebellion unquestionably produced a far more arbitrary government after the restoration of the Royal family than had preceded their expulsion; and the important security for the people obtained by the Habeas Corpus Act, stands alone in the history of our liberties during the half-century that elapsed between the petition of Right and the Revolution. I sincerely hope that our neighbours may not find a far worse recompense for their guilty and senseless conduct last February, as soon as the present military despotism shall have given place to something like a Republic, and that scheme shall have made way for a return to Royalty. The price of the late Saturnalia of Paris will, if exacted, unfortunately be paid, and heavily paid, in the liberties of France. But be this as it may, our own happy experience shows the wisdom of trying reform, and prudent, but not absolute concession, both in warding off immediate mischief, and in preventing an ultimate and disastrous counter-revolution. For it is certain that our taking an opposite course, and finding the Restoration I have been supposing, was as hurtful to freedom as the supposed Revolution had been to order, would have been very far from securing a tranquil administration of the restored Government. On the contrary, all the wounds skinned over, being left to fester, and those pains to rankle which found neither remedy nor vent, disorders would again have broken out, a new crisis would have brought on new convulsions, and the permanent destruction of the constitution, and of the country with it, would have ended the series of violent changes. I am anxious to impress upon the German statesmen as well as the French, this lesson drawn from our Reform of 1832. The former

are too apt to charge upon England all the dangers in which their own institutions are involved by the spirit of popular agitation, tracing it to our example, and sometimes to our precepts. England, on the contrary, has never gained by such agitation, either abroad or at home; and as for the example of our own improvements, to regard them as the cause of the jeopardy in which I fully admit the Governments of Germany have been thrown, is really to mistake the preventive for the malady—the thunder rod for the storm.

I venture respectfully but earnestly to solicit the attention of my friends and neighbours in France, also of our good allies, the learned but zealous Germans, now falling into the track of the French example, to the moral which may be drawn from the Roman, but above all, from the Athenian story. They there see as perfect a democracy as can be formed by the wit of man, and by far the most complete that ever had any existence, established by a people the most sensitively jealous of all approach to control, the most abhorrent of privileged orders, the most steady in their resolution to part with none of their natural rights, and the most tenacious of each individual's title to enjoy all the privileges, all the powers of government, as far as the condition of civil society will permit. And yet in this purely democratic commonwealth, it was found absolutely necessary, in order that the machinery of government should work at all, and the state be saved from perpetual misrule, and perpetual convulsion, to provide checks upon the power of the assembled people in making their laws and administering their affairs. Some of these provisions were certainly introduced with this view; others may have proceeded from different views, and only accidentally served this important purpose. I care not how many belong to the latter description. Found beneficial, with this view they were for this purpose retained, as the contrivance of the idle boy to save himself the trouble of applying the

stopper in the steam engine is made a part of the machine, because it answers that end, though originally designed to let the urchin rest or play.*

All such checks, it is true, may not have sufficed to make the Athenian Government a wholesome or a respectable scheme of polity. On the contrary, we have a very severe censure passed upon it by one of its own most eminent writers, a pupil of Socrates, a practical statesman and able general, a lover of his country, but more a lover of truth. "These folks," says Xenophon,† "can easily distinguish good citizens from bad, and they like such as serve their purpose, how worthless soever they may be, hating public benefactors, as deeming their merit rather hurtful than profitable with the multitude. Not that all this is to be blamed in the people themselves; every one has a right to pursue his own interest. But when you see any one not of the people rather choose to live in a state subject to popular dominion than in one where an oligarchy is established, you may rely on it that he does so from no good motive, but being determined to act amiss, he thinks he can better escape detection under a democracy than an oligarchy."—Now I am far from affirming that there are in France or in Germany, should a Republic be there formed, the means of forming a Second Chamber capable of affording the advantages which all must admit to be so precious, of securing justice to the minority, deliberation to the legislature, and stability to the system. The want of a privileged class from which a Senate deserving the name may be chosen, and the inconsistency of a Senate chosen for life with the spirit of Republican government, must greatly lessen the benefits of the Second Chamber.

* The whole subject of the Roman and Athenian constitutions, with the grounds of the opinions which I have given on some of the more difficult points, is fully treated in the *Political Philosophy*, part ii., chap. 10, 11, 12, 13.

† *De Rep. Ath.*, cap. ii.

But this only shows in another way the evils of a Republic; and inculcates the great lesson of all political experience, that none of the pure forms of government is desirable. Indeed, none of them can, unless in countries very peculiarly circumstanced, have a long duration. They all carry in their bosoms the seeds of destruction by violent change, or of decay by degenerating into other forms of polity. The people in a pure democracy, intoxicated with power, are borne away into violent courses that end in anarchy, which makes men seek for order and repose under a monarch. The patricians in a pure aristocracy domineer over the people, and confine the government to a few of their own body. The sovereign in a pure monarchy encroaches on the natural rights of his subjects, and erects a despotism on the ruins of a constitutional kingdom. But though thus it is, and though it be true that checks are insufficient long to save any of those systems, being makeshifts rather than solid securities, that is no reason for despising them or rejecting such benefits, how limited soever, as they offer—there being nothing more certain than that they are better than no security at all, and that they render it possible to hope for some protraction of the government's existence, which without any such checks would be wholly impossible.

The Elective Franchise has been in the Republican plan, that of Universal Suffrage. Now, it is certain that as far as this has been tried, its failure has by no means been so great as we might have expected. A very much smaller proportion of the deputies have been taken from the inferior and the uneducated classes than could possibly have been believed, especially when such wages as a pound per day were held out to tempt labouring men from their ordinary occupations. It must, however, be observed that but a small proportion of respectable proprietors have been returned, and that a very great body of political adventurers has been

chosen. We are also to recollect that this election was made for a particular purpose, for one occasion only. Those returned were to be dismissed as soon as the Republican Constitution should be framed. It by no means follows that the inferior classes may not turn their thoughts towards the trade of deputy, when repeated elections have brought the matter fully before them; and when they perceive that a poor man once returned, is sure to gain by a couple of years' attendance a much larger fortune than he could hope to realize by a long lifetime of daily labour.*

Of one thing I am quite certain; this experiment of Universal Suffrage, even were it to succeed on a full trial in a country like France, long accustomed to elective proceedings, never can be safely tried by the German States; and it is most unwise in them to have begun their electoral course by adopting it as their rule. They ought to recollect that it is quite new even in France. The most popular of all the assemblies, the one chosen by the most extended franchise, was the Convention of 1792; and the qualification for electing a member of the primary body, was the payment of

* Of the composition of the French Assembly I have an account (on the accuracy of which I can entirely rely), as far as regards 771 of its members; the remaining 129 I know nothing of, but as the divisions have not generally exceeded 750, and only once exceeded 800, if the number of 900 was completed at the general election, a great part of the 129 have never attended. Among the 771 were—lawyers, that is advocates and notaries, no less than 136; merchants, only 38; physicians, 33; functionaries, 104; journalists and men of letters, 41; judges and magistrates, 48; proprietors, 283; working men, 33; military men, 39; priests, 16;—so that of 771, there were 488, or above five-eighths, professional men and not proprietors, or five-ninths, even if we add the traders to the proprietors. The large number of 104 functionaries only comprehends administrative functionaries; the class of functionaries taken altogether comprehending professors, military men, ecclesiastics, and magistrates, amounts to 221. Not fewer than 155 of the number above given were members of the old Chambers.

The numbers who voted at the elections were much smaller in the Departments than in Paris, and much smaller in all the late elections than at the general election in April. In the next Department to the one where I reside, not above 950 out of 8,400 have voted at district elections.

about three shillings in direct taxes, indicating an income of forty shillings a-year; while the members of that primary body, who really elected the deputies to the Convention, were to be such as paid eleven or twelve pounds, indicating an income of a hundred and fifty. This was indeed anything rather than Universal Suffrage; it was an extremely restricted franchise. The experiment of Universal Suffrage, then, in an old established country like France, has only been tried since last April. The Germans, in choosing their plan, had two examples before them; the Parliament of England, existing for eight centuries, and gradually improved, till it has been found, and is confessed by all reasonable men, to perform satisfactorily the functions of a popular representation; the Assembly of France, existing for not quite eight weeks, and of which no man can as yet venture to predict that it will be anything but a complete failure. These being the two patterns laid before the Germans, they, or rather their speculative, visionary leaders for them, have without hesitation preferred the French, backed by an experience of eight weeks, to the English, resting its claim to approval upon the experience of eight hundred years.

My alarm I confess to be great as to the consequences of this most ill-advised course. I regard Germany as in a position of more danger than France herself, from social convulsion, and all the worst evils of popular excess. She has had none of the experience of revolutions, which in France has habituated all orders of the people to lead a life of change; her multitudes are not accustomed to the dreadful excitement in which the French have lived; the first fit may overpower the constitution, and produce terrible disorders. The leaders have no experience whatever of popular government, and all the institutions of the State are formed upon a plan which it would require great skill, with much temperate discretion, to fit for the novelties that the agitators seem resolved to introduce. Above all,

there is the generally prevalent intoxication which a great change is sure to create; and the fantastic tricks which boys play under such an untried influence, and which only excite merriment, are apt to be frightful and destructive when strong men are submitted to the inspiration which, for the first time, suspends reason and lets loose brute force. Nor can I shut my eyes to the peculiarities of national character which distinguish the Germans. In many important particulars most estimable, in honesty, industry, kindliness of nature, they are not surpassed. Yet with this is combined an exaltation of fancy near akin no doubt to that brilliant genius of which it is the exaggeration, but very apt to lay snares for the judgment and impair if not subdue the reasoning powers. The excellent and persevering German is, accordingly, often observed to be of a bewildered intellect, the slave of fantastic theory, prone to visionary belief, nay, with all his good nature, apt to engage in odd, unintelligible brawls; insomuch that we speak of a German quarrel as something known in Germany more than in other countries, while a German speculation is conceived to be something romantic, and a German romance something wild. Even their kindly dispositions I should little trust, if the popular excitement, working upon the theatrical, visionary, unearthly imagination, should once drive them beyond the bounds of sober demeanour. The Parisian or Sicilian mob may be naturally more ferocious, the German populace more ridiculous; yet, where sound reason is wanting, who shall tell to what excesses the vagaries of the disturbed brain may lead? *Corruptio optimi pessima;* and I own I have my fears of a German mob, and its *ideologue* leaders.*

I must remember, too, in comparing the two countries, and it is no little part of my fear, that there is

* This page was written on the 25th of September, 1848, and on the next day arrived the horrid accounts from Frankfort to confirm my worst fears.

wanting in Germany the recollection of former sufferings from the reign of anarchy and blood—a recollection which in France is ever uppermost, which has been so even during the late excesses, and which indeed alone seems to have set bounds to them. The bulk of the Parisians at first showed indifference to the violence of the comparatively few agitators. But when the dread of a Red Republic began to haunt them, even the National Guard, passive in February, was ready to act in June; and the voices which at one moment had seemed to lift M. Lamartine above all his rivals, left him, with a singular accord, as soon as he formed his most inconceivable, or most suspicious junction with the party that panted for the guillotine as an instrument of government, and the assignats as a resource of finance. This interval of popular firmness and good sense, in so long a course of feebleness and folly, was altogether the effect of those dreadful recollections which are engraven on men's minds ever since 1794; which they who had passed through that tremendous crisis, and have now followed its victims, described without ceasing to their children that yet survive; and of which some still live to tell the story with far more impression than any tradition can make. In Germany this corrective, or preventive is wanting; neither tradition nor memory affords it there.

The want of experience in popular Government has, no doubt, already shown itself, partly in the Chambers which have been elected, partly in the electors themselves. I will only mention the Austrian and Prussian, though the recent proceedings at Frankfort are little calculated to allay our apprehensions. I have seen a curious page of statistics in the hands of some German friends, who must be well informed on a subject that interests them so nearly. It was an account of the elections for some of the provinces that send members to the Vienna Assembly. Universal Suffrage, untried Universal Suffrage, was the canon of election; and its

results were so different from those which it had produced in France, that one could not avoid being deeply struck with the danger of transferring any political institution from country to country, and with the mischiefs occasioned by want of political experience, in the conduct of public affairs. Of about three hundred deputies chosen, not half-a-dozen were what we should call gentlemen, in condition and in education. Many of the peasants elected were proprietors to a small extent, an inferior kind of yeomanry. There was a column for the members that could read and write; it was but indifferently filled; the column of mere readers was better supplied with figures; of the wholly ignorant there was a fair proportion, almost enough to have satisfied my misguided and worthy friend, the late Minister of Public Instruction, in his zeal against the necessity of education, as an accomplishment of electors. The peasants are represented to be men tolerably well informed for their station, and on subjects connected with their calling and rank in life, but whose ideas reach no higher than the parish steeple, or farther than the bounds of that humble district. But how, saith the wise man, "how can he get wisdom that holdeth the plough, and that glorieth in the goad; that driveth oxen, and is occupied in their labours; and whose talk is of bullocks!"—Yet to such men so appointed is committed the greatest of tasks on which mortal man can be employed, not the holding of the plough, but of the lawgiver's pen; and their talk is to be not of bullocks, but of the highest matters that can occupy the human mind, the forming of a constitution! That this talk would be strange to those simple beings were they able to communicate with one another is certain; but how will it be now, when being assembled in the same place they are found not to speak in the same tongue—when at least eighty out of three hundred present use the Sclavonian, which no German understands, and are unable to comprehend a word of

the Saxon, which alone the German speaks? Yet so it is, and such is the result of Universal Suffrage transplanted to the Austrian dominions, which unlike France, knew nothing of any suffrage before.

At Berlin a somewhat similar Chamber has been collected by a similar but less extended right of voting; I find the following to be the enumeration, which I have from a source of the highest credit. Of the 400 members, 60 are of classes fit to choose representatives, considerable land-owners, dignified and beneficed clergy, judges of supreme courts, merchants and manufacturers of note, men of letters, lawyers of reputation; these 60 form an important but a small body. No less than 260 are petty lawyers and attorneys, inferior judges or rather justices, curates, subordinate teachers, small tradesmen and manufacturers. About 80 are common day-labourers. There may be nearly the same number of men who have some property, and as many who can write but very indifferently, being persons of no education.—I am little surprised, and less edified, to have from the same high authority an account which leaves little doubt how large a part faction and the spirit of political adventure is likely to play in this Prussian Constituent Assembly. There is a Conservative body or *droite* of about 130; a Republican or *gauche* of 110; a Moderate or *centre* of 100. These sections are marshalled under leaders eager to play the most unprincipled and selfish game of faction, with all its headlong violence, all its profligate jobbing, all its unscrupulous intrigue. Not more than 60 of the whole are persons of no party, and who may be appealed to on behalf of the public interests with any chance of the appeal being heard. Here again, we see the effects of a novel state of political existence. In no established government could men be so marshalled, at least never in anything like the same proportions. It may safely be affirmed, that to carry on any administration in such a state of the governing body, without anything like a

majority attached to one principle more than another, is politically if not morally impossible.

No one who values and respects the German nation, as all Englishmen habitually do, can fail to mourn over this state of things, and to shudder at contemplating the dismal prospect before him. That the restoration of calm should be the work of reflection, and arise from superior wisdom, founded on experience guiding the mass of the community, however earnestly to be desired, is, I fear, hardly to be hoped. That some sad outbreak, and the horrors attending it, should as it were, shake the people into their sober senses, awakening them from their present intoxicated state, and should disarm their wild, or wicked leaders of the power they already show such a disposition to abuse, is, perhaps, all we can reasonably expect; and though the price paid for the return of reason may be severe, the acquisition will be well worth the payment.

Hitherto of the popular part, the Representative—I am quite aware that I shall have a very ready assent from the constitution-mongers themselves when I lay down the necessity of an Executive. All of them will be for having something of the kind, Directory, or Consuls, or President; in short, some political chief for their Republic. None of them would choose to leave the scramble for place—towards which so many longing eyes are turned—to the members of the Assembly at large; none would deprive himself or his party of the chance of power held out by the exaltation of a high functionary to represent the State. A chief they will have; but it is quite another matter with what authority they will consent to have him clothed; and we may be well assured that, as soon as the alarm excited by the events of May and June has passed away, the alarm on which alone the Military Dictatorship is founded, the Assembly will struggle pretty violently against arming any Executive whatever with large powers. Now I hold it to be of the very first impor-

tance, nay, of absolute necessity, to the stability of the Government, and the prevention of anarchy, that the Chief, by whatever name he is to be known, should possess power so efficacious as may arm him with the means of suppressing all insurrection. With this view he must have at his entire disposal, subject only to rendering an account of his conduct, a military force sufficient to put down in an instant, on the call of the occasion, any attempt at revolt.

This cardinal point is never to be lost sight of. An Executive is necessary, but a real, vigorous, effective Executive; one deserving the name, lifted up above the people, not for empty ornament of the political structure, not to complete its form that the symmetry may please the eye, but to consolidate its strength, to give it consistency, and to bind its parts together; above all, to make it resist external force, like the key-stone of the arch, which, though it may finish the curve, is not there for any such trivial purpose, but to the end that the fabric being made perfect in all its parts by that higher and commanding portion, the pressure from without may not only be harmless, but produce a resistance proportioned to the demand for it. That the Executive may have its due form—may deserve its name—there must be secured to it such independence as shall inspire it with firmness to decide, and such force placed at its disposal, its absolute disposal, as shall arm it with power to act. The Chief must be in very deed the terror of evil doers; but he can only be so if enabled to cope with, and overpower on the instant, all resistance. Wholly unawed by the populace, bearing only respect to the people, in order to protect the people from their worst enemy, the populace, he must have the will and the power not to regard even the wishes of the people, whom he ought only to know through their representatives—the will and the power to disregard even the voice of their representatives, while the tempest of revolt rages—the

will and the power suddenly to crush every attempt at outbreak, and at all hazards of even severe military execution, not wantonly courting the occasion, but not feebly shunning the necessity of the lamentable infliction which his duty to the people may require that he should sternly command.

Aye, and his duty to the misguided populace themselves demands that he shall not falter or trifle. It is humanity, it is not cruelty, which dictates vigour and promptitude in quelling insurrection. The misery is that no time can be allowed in such a crisis for singling out ringleaders, in order to spare their less guilty dupes. But nothing can less deserve the praise of humanity than the silly half-measures which would make a Government parley with an armed rabble. Who has ever seen anything but extended massacre follow from such a course, and from firing over their heads? And what worse fate can befall the mob than suffering them for a while to get the upper hand? Look to the scenes at Paris in February, and again in June! See the dregs of the populace for a season triumphant over the police and the law! See them revelling in the plunder of Neuilly and Surenne—Neuilly, whence a Prince had been driven too merciful to keep a crown at the cost of the people's blood—Surenne, whence its generous owner had just sent the gifts of his noble charity to solace the wounded of the mob! Then see the fruits of their victory in the dilapidated mansion, where the assailants fought together like tigers for fragments of the blood-stained spoil,—driven from the half-burnt chambers to the cellar, there to glut themselves with strong drinks, and strew the floor with their carcases; some drowned in the rum of which they had stove the casks in their beastly appetite for intoxication, that would brook no delay; many more burnt to death in the flames, which in their drunken fury they had kindled! Nor do I conceive that much gain will be found on the balance of this sad account, by reverting

to those other scenes of mob triumph, in which, according to many accounts of the Revolution, the victims were rather the soldiers and the National Guards than the populace themselves. I refer to the Chateau d'Eau, near the Palais Royal, where not a few were said to have been cast into the flames and burnt alive, while the people, "so sublime in the hour of victory" (said their parasites of the press and the tribune), accompanied the roasting of their fellow-creatures with screams of delight and grins of rapture, borrowed from the hyæna. The mob of Messina, however, outstripped even this; for there is no doubt whatever that sixty Neapolitans were roasted and devoured by those infernal furies, those worse than barbarous cannibals, to aid whom in their revolt the Ultra-Republican Statesmen of Paris call for a force from the able and gallant leader of the Government, requiring that by making war upon the Neapolitan King, the savages of Sicily shall, on rising from their execrable repast, be enabled to lay the foundations of a new constitution.

The inhumanity, the cruelty of prompt measures to prevent such scenes as these, forms no object of my Christian dislike. Nor can my faith, or my charity towards offending brethren, be seduced into the benevolence of permitting such acts of popular valour and patriotism. I know the morbid feeling of humanity which prevails in these times, and against which most of us have had to struggle in the cause of that great and amiable virtue, the real humanity whose name the impostor usurps. I know full well that while one set of men would, under pretence of providing for the poor out of the labourer's pocket as well as his employer's, make all workmen idle paupers, and sweep all masters away; and while another class, to relieve the working people from hard toil, which they are willing to undergo, would deprive their employers of the means of paying their wages; and a third set of philanthropists would rescue all children from the protection of

the parental feelings, for the sake of which protection Nature, or rather the Divine Author of Nature, has created the very relation of parent and child; and a fourth class, seeking the same end by more summary means, would abolish all property by dealing it out to be scrambled for by the multitude, thus erecting one vast Bedlam over the land for this half-year, to be replaced by as vast a charnel-house the next—I say while these freaks are playing by men who call themselves compassionate, another class, dealers in the same cheap and worthless article of mock-humanity, or seized with the disease (I care not whether you treat them as traders or as patients) but uttering the cries of their paroxysm, or wishing to display their tinsel wares, warn us against shedding human blood on any account whatever, and having abolished in France all capital punishment for the very crimes which most justly deserve it, would also have us spare the mob in its revolt—adopting the principle that no soldier should ever act against his fellow-citizens, the rabble, in protection of his aristocratic oppressors, the people. Nay among ourselves, there is the amiable if not very consistent Society of Friends, my esteemed fellow-labourers for so many long years in the cause of true humanity, who now hold it sinful to use any force in putting down that infernal traffic which, with their help, I nearly forty years ago carried a law to punish as felony—their doctrine being that we should let Africa be desolated for some five or six centuries, while it is slowly civilizing, and America almost as slowly emancipating the negroes. But my belief really is that if one or two of that amiable sect were at the head of affairs in any country, more blood would be shed than ever military despot dreamt of causing to flow; and the hapless people thereof would be speedily invaded and conquered after having for a short season undergone all the ills of pillage, massacre, and fire. So if our friends of the ultra Free Trade

persuasion were to be humoured in their fancy that by imbibing their doctrines, all men are becoming virtuous, and especially all governments peaceful, and some fifteen or eighteen millions were struck off our revenue, while the army was disbanding to lower the wages of labour, and the navy breaking up to be sold for old stores, the certainty is apparent to all but these lay preachers, that we should forthwith taste the sweets, not perhaps of cheap commodities, but of rebellion, civil war, revolution at home, and of eventual subjugation from abroad by such of our neighbours as had not yet become converts to the true faith.

Not professing this creed, having been brought up in the heresies of another church, and being too old, I fear, to quit it, I must again declare my entire conviction that no government, at least in Europe, deserves the name, which has not an Executive provided with a force, as well of military as of police, sufficient to render all struggle against it, undertaken by revolters, whether speculative doctors or practical banditti, utterly hopeless. The humanity, the real humanity, of this prudent plan is that by prevention it renders the extreme remedy of repression unnecessary. The rulers thus armed are so strong that wicked men, whether calling themselves Communists, or Anarchists, or Red Jacobins, whether thirsting for blood or for plunder, will not dare to move, and the tranquillity of the State will be maintained because all will perceive that the contest with rulers so prepared is desperate, rulers whose strength is so manifest that they need not put it forth—*Possunt quia posse videntur.*

I have incidentally alluded to the flattery of the mob. Nothing perhaps, in the late deplorable Revolution was more fitted to excite disgust, hardly even that novel feature, the abomination of boys and children from school taking a forward part in civil broils—a part not always discountenanced by their leaders, one of whom incurred the just displeasure of his chief under the old

Government, by his most unbecoming attempt to involve in political broils those he was employed to instruct. But the Press certainly exceeded the ordinary measure of its unreflecting zeal, or at least implicit, prudent submission (to give it no harder appellation), in the fawning position which it assumed towards the authors of the convulsion as soon as the tumult had subsided, and the victory over order was declared. No common terms were found adequate to express the profound admiration of those organs, (reflectors in part) of public opinion, for the noble conduct of the populace. That many-headed idol—that Juggernaut—was spoken of with an habitual reverence approaching to devotion. Before it all comment lay prostrate. The name was pronounced, and these worshippers fled from all discussion as sacrilege or impiety. The newspapers vied with the Provisional Chiefs in the warmth of the language used to exalt the object of adoration. Both those self-constituted powers meekly bowed the head, and devoutly chanted praises of—"the sublime people," "the people as grand in victory, as undaunted in fight," which, indeed, was pretty exactly true, since there had been no fight to be undaunted in, and so no victory to be grand in—the "immortal days"—"the heroes of February"—the French noblest of human kind, the Parisians noblest of French kind, the mob noblest of any kind—this, and more than this, was I doomed to read in a remote and peaceful corner of the Republic; and this I should have taken for the ridiculous effusion of honest folly, had it not chanced that I saw one or two private letters of parties whose language in public was such as I have described. These letters, far from abounding in devotional phrases, betokened pretty clearly that the writers had in secret broken the images of the gods they worshipped in public; for one of them, I remember, expecting a massacre, indicated the precise number, not a small one, of the insurgent friends of anarchy

and bloodshed that must bite the dust to satisfy the friends of order. His family had been nearly ruined by the sublimities and the magnanimities of the god-like Parisians.

It is true that all this fawning was of short duration. The Paris journals, and their allies elsewhere, certainly in England, probably in Germany, have long since ceased to sing forth their matins and vespers, and their Sabbath chants, in honour of the Paris heroes and demi-gods; nay, the fit of worship having passed away, the devotees become Iconoclast, were minded to break their idol, and found it mere brittle ware, plaster of Paris. Nor has the devotional fit recurred; nay, it is likely enough that passing, as is their wont, from one extreme to another, they are less than just to those towards whom they had so lately been more than generous. But this is not at all peculiar to the late occasion and its paroxysms. It is the common course, perhaps unavoidably, of the Tribune and the Newspaper press, which seem in one respect, if in none other, to resemble the rays of light, that they have what natural philosophers have termed fits of easy reflection, alternating with fits of easy transmission; they only reflect by starts, and by starts transmit their impressions, without any reflection at all.

I have spoken of the Executive and of the Legislative powers, of the Government and the Assembly. But it remains to make mention of the master evil, in the condition of our neighbours, to which all the others may be distinctly and directly traced. The domination of Paris—the submission of France—this it is which both encourages the ill-disposed of all descriptions, whether those whom ambition leads astray, or those whom speculation has debauched, or those whom lust of plunder pushes on, or those whom party spirit fills with designs against the stability of the government, it may be against the peace of the world. Were the gaining possession of the Chambers, and the Hotel

de Ville, and the Invalides, of no more decisive importance in a civil contention than the securing in London, of Westminster Hall, and the Horse Guards; were it certainly known that unless the bulk of the provinces favoured the outbreak, no permanent change could be effected, and that within eight and forty hours, the troops which had for the moment recoiled, would bound back upon the capital, joined by the National Guards and the garrisons of the neighbouring departments, to be further reinforced in two days more from the Rhone, and the Loire, and the Channel—the inducement would not be held out which now tempts to such outrages them that are given to change; and such outrages as we have lately seen sometimes fail, sometimes succeed, would not be attempted. But that inducement is almost irresistible, when the evil-minded know that they and the mob, ever at the insurgent leader's command, have only to master Paris, and then all France is theirs. Thus it is when a revolt against the established Monarchy is in contemplation; and thus it also is when a Republic is to be overthrown, and a despotism erected on its ruins.

Look at the history of the first Revolution, and you will see that the whole efforts of the chiefs, who followed each other in rapid succession, were directed to gain possession of Paris. They little troubled themselves about the provinces; unless, indeed, when Lyons grew discontented, and their Proconsuls were sent to batter it down, exterminate its inhabitants for resisting the Convention, and inflict upon it a new name as a memorial of its treason. The battle was always fought in Paris; now by the mob overturning the Monarchy, there being few republicans in France—now by the Convention defeating the mob, defending its despotic power, and continuing its sanguinary reign—sometimes by the Directory surrounding the Chambers with artillery, capturing part of the people's representatives, and sending them in cages through the submissive

provinces before the face of their constituents to the ports of embarkation for the swamps of Guiana—then by the Military Usurper dismissing both Directory and Chambers, that he might destroy the tyrant Republic and play the tyrant himself. All these operations were contrived with reference to Paris, confined to Paris, regarded as only affecting Paris; and no other part of France was either assailed, or defended, or consulted, or listened to, or even thought of, unless it might be now and then to execute a little Republican, or Consular, or Imperial vengeance on any town that ventured to break the deep silence of the grave in which all France, quietly if not contentedly, slept. But never, in all the history of the country and its revolutions, was this predominance of Paris so complete as it has been since February. Never was the whole of the people so entirely subjected to the inhabitants of the capital, who in their turn were subjected to a handful of their own fellow-citizens. And I hope I shall stand excused from the charge of hard-heartedness if I express my regret that the revolt of June was not continued a little while longer in order that the good disposition which had manifested itself in the provinces, no more to bear the yoke of the capital, might have produced its most precious effect, the hastening of National Guards towards Paris from other towns to overpower the evil-minded and encourage the faint-hearted, and show that proud city that Lyons and Nantes, Dijon and Rouen and Lisle, as well as Bordeaux and Marseilles, must no longer be trampled on like slaves, or be forgotten like things that never had any existence.

It is no doubt true that the whole country being represented, according to a right of voting which gives every man a voice, the desire of the provinces, as well as the capital, will be made known, and in quiet and settled times, must prevail. But we are now speaking of times the reverse of quiet and settled. We are con-

sidering the chances of revolution by a rising of the people, not the course of ordinary government by their deputies. We are canvassing the probability of the machine that has been constructed being allowed to work, the security it has against being broken to pieces by violence, the prospect there is of the deputies from all France being suffered to exercise their right of voting, and the likelihood of their firmly resisting attempts to involve all in confusion. In this view the form of the Government goes for little; the votes of the deputies for less: because the Assembly, however composed, sits in Paris, surrounded by the populace of that overgrown capital; and its deliberations will inevitably be guided by the fear of hourly impending violence, nay, will be almost governed by the power of the adjoining multitude. Even when they have the firmness to resist any entire change which the mob may dictate in the public councils, they will go far in concesssion and compromise to avoid extremities which would endanger the peace of Paris, and might deliver it over to pillage.

But it is not the Government alone, not even the national representation alone, that feels the power of the populace, in whose perilous vicinity they act. That is a substantial force, directly exercised—a force applied to control immediately. There is a less direct influence, but a very powerful one, exercised by the same Parisian people over the whole of France, as the respectable portion of that capital are under the more immediate influence of the meaner portion, the mere populace. The sway of Paris over all France is almost unbounded; but it is not unaccountable. The French are a people peculiarly susceptible of national sentiments and sympathies. The ideas of glory, of splendour, of whatever dazzles the mind, find a ready access to their imagination, and easily fill their whole souls. But all these things belong to the nation at large, to the ideal being, called *France;* and as *France,*

adored by the French. Then Paris is the concentration of all that lustre; Paris is as it were France personified; and every Frenchman is vain of Paris. The vocabulary of admiration is exhausted in phrases to express its varied merits, its rich gifts, its countless charms. All the ideas of the most refined social enjoyment, the most brilliant festivals, the most exquisite gratifications of sense, the most delightful recreations of taste—all are inseparably connected with the capital, and to the capital every admiring smile, as well as each longing glance, points from a thousand towns, as well as a thousand vales. The having been or the not having been at Paris forms a distinction of rank in all provincial society; the once seeing Paris before they taste of death is the hope that through life lingers in all men's bosoms. In 1814 I well recollect being with Madame de Stäel, then in the closest alliance with the powers that were invading France. She had accompanied one of their missions to London. She was discussing the chances of the campaign. Lord Dudley, in his manner, said he expected to hear that the Cossacks had reached Paris, and nailed a horse-shoe on the door of the Tuileries. I shall never forget the electric effect which this imagery produced on the true French feeling that found a vent in her exclamation of horror at the bare idea of such a catastrophe. "*Quoi! Cette belle France!—Et Paris!*" But *cette belle France* had long been entered by the Allies; and it was hostile, tyrannical, persecuting Paris, under which she had suffered so severely—where, indeed, she never was liked, or even relished—it was Paris in the hands of her barbarian protectors that gave her a pang, which all the sufferings of France had failed to make her feel.

But such are the French. The pride of country, that patriotic feeling which ever mantles in the heart most accessible to personal vanity, adds its steady influence; and the not harmless exaggerations of national

enthusiasm pronounce Paris the metropolis of the civilized world. For all this there is so much solid foundation, and foreigners have so generally adopted the French, that is, the Parisian, modes in graver matters as well as in trifles, that we can perfectly comprehend, and partly forgive these fancies, as only realities exaggerated in the outline, and adorned in the colouring. But I am now only speaking of the fact, and the fact easily explains the prodigious influence exercised by the capital over the provinces; the disposition to take the law from the banks of the Seine as far as the Channel, even the Pyrenees, and the Var; the tenderness with which the atrocities of Paris are overlooked or excused, like the wayward tricks of a child by maternal fondness, or veiled as by filial piety hiding a parent's shame. The voice of opposition is still, when Paris has issued the command; and that command resounds over the length and breadth of the land. This is the real secret of French Revolutions; in some respects of the first Revolution as well as of the last; for although all France bore a part in the earliest stages of that great event, and took a deep interest in the proceedings of the Assembly, under the reign of the Convention the law was dictated from Paris. This, too is the meaning of Danton's important saying, so many years ago, "You've got a Republic, 'tis true; but you have no Republicans." He could not doubt that there were many in Paris; he meant to say, and he said truly, that they formed a very inconsiderable minority in France; but then he well knew that Paris was all in all. I repeated the same *dictum* last April, from my place in Parliament, on returning from the scene of the recent Revolution; and I can take upon me to affirm that, as a mere matter of opinion and of feeling, the tree of liberty was the object universally of popular dislike, long before the people had any experience of the Republic, and before any taste of its fruits. But then the parties for and against it were

very differently circumstanced, and animated with feelings very unlike, else had it assuredly been hewn down, and cast into the fire. No two adversaries could be worse matched; for the few Republicans would cherish the tree, nay, water it with their blood, while they who abhorred it did so speculatively, and told you they were against the Republic if you asked them, but would not walk across the street to see the hated plant destroyed. Paris, evil-minded, was up and stirring; the country, well-disposed, was passive and abject.

The gloomy prospect which opens to our view from this ascendancy of Paris, and from the bad feeling that prevails among the multitudes within its walls, has, I rejoice to think, been somewhat enlightened by the gleam of hope which broke through the dark horizon, when the provinces showed their determination to resist the thraldom of the capital. When next the distresses of the country, pressing most severely upon Paris, and the folly of the agitators in pursuit of their sinister objects, shall cause scenes like those of May and June, we may confidently trust that any difficulty in restoring tranquillity will be followed by the march of the departments to aid the friends of order in the capital. Nothing else can rescue France from the disgrace under which she now lies, of a great nation suffering itself to be enslaved by a paltry but desperate mob in one of its towns.—There seems no hope of the real remedy being applied, the removing the seat of government to Dijon, or Orleans, or Tours.

Considering the arduous duties cast on the Provisional Government, and that they succeeded in maintaining order notwithstanding the treason of some of their number who underhand joined the insurgents, all their proceedings may be viewed with more or less favour or at least leniency, save one. They held out the hand of fellowship to the insurgents of all nations; and one of their body acting without the concurrence of the rest actually fitted out a kind of expedition, half

tumultuary, half predatory, to stir up insurrection in Belgium. Its total and immediate discomfiture covered its author with ridicule, without exempting him from the reprobation of all good and just men. That government has passed away. It was succeeded by another which has likewise yielded to the common fate of Revolutionary Rule, paying the debt of tumultuary nature. But if the recollection of the piracy has been by universal sense of shame sought to be obliterated, the memory of the ill-omened pledge survives them that gave it; and the people call upon the Dictator of the hour to redeem it as one given on the part of France. It was cited, for instance, in all discussions on the important and delicate subject of the Italian Mediation; nor was it only beyond the Alps that the same new-fangled notions of interference were ventilated. It is the duty of every friend of national independence and peace to lift his voice against the new speculation in the rights of independent States, the security of neighbouring governments, and indeed the happiness of all nations, which is somewhat the mode among political reasoners of our day, in other places as well as Paris; I allude to what is termed *Nationality*, adopted as a kind of rule for the distribution of dominion. It seems to be the notion preached by the Paris School of the Law of Nations and their foreign disciples, that one state has a right to attack another, provided upon statistically or ethnologically examining the classes and races of its subjects these are found to vary. Those sages of the International Law do not, like their predecessor Robespierre (of whom they compose panegyrics), hold exactly that France may legally assail any Sovereign who refuses to abdicate and bestow upon his people the blessings of Republican anarchy. But they hold that if any Sovereign has two dominions inhabited by different races, France has a right to assist either in casting off his authority. She may intimate to him that he can only continue to rule

over the people who are his countrymen, or if he was born in neither territory, that he must be put to his election, and choose which he will give up, but cannot be suffered to keep both. Thus Robespierre decided that our King had no right to retain his sovereignty over the Britons, among whom, it was his boast on his accession, that he had been born. The successors of the Red Republican stop short of that point; but they hold it to be quite clear that our Gracious Queen cannot continue to rule over Ireland, peopled as it is with Celts and Romanists. As for the slight qualification annexed to this doctrine, that France is only to interfere as an auxiliary, nothing can be more flimsy; for if any party in any state declare its discontent, she is to be the sole judge of the sufficiency of the call made upon her, and she has a *mission*, what we would term a vocation, to hasten and help the discontented, in case their force should appear insufficient to change the dynasty. I have put the case of England and Ireland in order to bring the matter home to ourselves; it is by way of illustration, but exaggeration there is none. The Paris professors of Foreign Policy and International Law have exactly the same right to succour the Irish rebels, that they have to assist the Milanese.

But with a view to mere considerations of policy, I must protest altogether against this new-fangled principle of Nationality, as a ground of making, or of desiring to see made, any new political arrangement, or of attempting any new trimming of the Balance of Power. I can understand the old maxims of Foreign Policy; the high expediency, independent of its justice, of a sacred regard to the faith of treaties; the duty of always watching the aggressions of other States, in order to prevent any one from gaining strength at the expense of the rest, and the risk of his making still further encroachments. These are the ancient and recognized principles by which, if we continue to guide

our intercourse with foreign powers, we shall avoid all offence, promote our own interests, and serve the common cause of national independence. But the very corner-stone of this old received system, the very foundation of the whole doctrine concerning the Balance of Power, is to take for granted, as the ground of all our combinations and all our proceedings, the existing distribution of empire, the last general arrangement of treaty—to require that all parties should abide by it —to join all those who maintain, against any who by aggression or by intrigue would violate it. This is that famous system, parent of national independence, ally of justice, source of peace,—that venerable system to maintain which our immortal deliverer from slavery and superstition devoted his glorious life; and preparing the restraint and the punishment of the ambitious tyrant who would have subverted it, laid by his wise and virtuous policy, the foundation of the victories by which in the next reign the grand object of the illustrious patriot was attained, after he had been removed to his eternal repose among the spirits of the just. Gracious God of Peace! what would William III. have said had he lived to see a new chapter added by revolutionary violence, and visionary speculation, to his sacred Institute of International Law; an ominous exception introduced into the great rule that the existing state of dominion, the actual distribution of power must be maintained — the foul exception that the arrangement may be disturbed as often as the subjects of any state rebel against their lawful prince, or lawful republican rulers—against his own authority in Ireland, confirmed by the fight on the Boyne, or against his own commonwealth in Holland, or against his Imperial ally in Germany—an exception arming any ambitious neighbour with the right to help the insurgent, and strip the ruler of his crown, or to destroy the confederacy of the United Provinces, partition their territories, and erect a despotism over their people!

If anything were wanting to convince me of the wildness, the utter folly, of all this new-fangled doctrine, as well as of the danger with which it is fraught to the peace of the world, it would be that its apostles, the handful of Paris agitators in clubs and journals, whom we are asked to aid in giving their visions practical effect, show such deplorable ignorance of all the facts connected with the cases which they handle of national diversity or connexion. Thus they fancy all Italians to be one and the same people, whereas Italy is known to be a geographical and not a political, or even an ethnological term. They suppose the Austrian possession of Lombardy to be a usurpation of recent date, whereas it has existed under treaty and under acquiescence upwards of three centuries. They deem nothing easier than to unite all the Peninsula in one body under one government, believing that all Italian States are panting to give each other the fraternal embrace, and be formed into one harmonious political mass. Why, at no time in ancient or in modern history was ever Italy one, or Italians united, or on a friendly footing each tribe with other, or inclined to any mutual relations but those of war. Lombardy has belonged twice as many years to the House of Austria as Great Britain to that of Brunswick. The Sardinian King is a French Prince of the House of Savoy, while the Emperor is an Italian prince, grandson of the Tuscan Duke; and the Piedmontese and Savoyards are as much foreigners in the Milanese as the Austrians themselves.

But another danger threatens France from domestic causes, and in her internal affairs. It is much to be feared that her continuance in the present unsettled state, the grievances and sufferings of the people under a system of perpetual change and constant uncertainty, the evils of repeated convulsions, attended with bloodshed as well as rapine, and the anarchy far worse than has hitherto been known, in which a single

successful outbreak would plunge the country, may impress all men's minds with the dread of every change, of any movement which can by possibility lead to change, and impress them so deeply as to leave the community at the absolute mercy of whatever regular Government shall arise out of the ruins of public order. None can be stable that is not of a Monarchical complexion; and I tremble for the liberties of France when her people shall once more be so subdued by the terror of change as to crouch willingly under any rulers, and bear any system of quiet though absolute rule. This fearful spectacle has been already witnessed for fifteen years; it was before our eyes from the fall of Robespierre to that of Napoleon; it may again be seen to afflict every patriot Frenchman, every lover of freedom, every friend to human improvement.

To satisfy us how imminent is this peril, we need only cast our eyes back upon the history of France for the last sixty years. The horrors of the September massacres — the bloody despotism of the Reign of Terror, with its Revolutionary Tribunal, and its wholesale murder under colour of perverted law — the habitual domination of the Paris mob—the constantly renewed scenes of tumult and change which destroyed all sense of security, and made all domestic peace hopeless—these were the fruitful source of the miseries which so soon succeeded, and bowed down that great and noble people to the ground in wretchedness, amidst all the immortal triumphs of their arms. These passages in their story it was, that engendered the universal and unconquerable aversion to all resistance, and made every Frenchman willing, nay anxious, to obey whoever might rule, and to kiss the rod, were it of iron, wherewithal he was scourged, so the same rod might only prevent the return of Terror and Proscription. After Robespierre, and St. Just, the still worse Billaud, and Collot, and Carrier the worst of all, and

with the recollection of those monsters fresh in men's minds, there was nothing that any ruler might not attempt; and if he failed, it could not be from popular resistance. The Directory broke through their own constitution, surrounded their Chambers with artillery, and despatched the representatives of the people in cages, like wild beasts, to ship them for America.—The same rulers set no bounds to their peculation at home, and their incapacity turned victory into defeat abroad. —The Republic, to which all men had sworn, was overturned, and a military despotism set up in its stead.— The insane ambition of the tyrant exhausted the resources of the State, ground the face of the poor, and filled each family with mourning, that his lust of conquest might be satiated. The myriads of his soldiers whitened the remote plains of Russia with their bones; and after all this cost of blood and treasure, France was overcome and overpowered, stripped of all her conquests, and occupied by foreign troops. Yet all these enormous oppressions, all this vast misery, was tamely borne, and not a finger was raised, not a voice, not a whisper ever breathed, against the Government—because all men dreaded the worser tyranny of the Convention and the Clubs; they recollected that, and anything was better than that. And we may be well assured that if the present Republic shall continue to exhaust France, and its course shall be stained with more blood, involved in more anarchy, the restoration of some regular Government will be attended with the renewed influence of the same feelings that enabled other rulers to domineer, and men will be disposed to submit, because they will feel that anything is better than 1848. The reason why above everything I feel anxious that the present state of things should come to an end without further mischief, above all, more effusion of blood, and more ruin to private fortunes, is, because if such calamities should befall the country, they must dig deeper the grave of her freedom.

But once more let me hope for attention while I urge upon the lovers of hasty, ill-matured measures, upon all that be given to change, whether abroad or among ourselves (and I speak of Germans and of Italians more than of any portion of our own countrymen), the dangers that beset their path.—I know full well that were I only to paint the perils, the extreme perils in which their love of revolution may involve the States they belong to, I should fail to gain their ears. They care but little how great is the risk of anarchy to which their schemes may expose their country; and know not what fear is, when only the country is in jeopardy; for nothing is more cheap, certainly nothing more worthless, than the vicarious courage so often observed to distinguish these agitators, whose bold designs, whose daring ambition is a common topic of praise with the vulgar more unreflecting than themselves. I should therefore be but speaking in an unknown tongue were I to set before such persons the ills which the Mob and the Clubs have, by their New Revolution, inflicted upon a community, previously enjoying great happiness, with the certain means of increasing its prosperity as well as extending its liberties in every direction; or were I to contrast, for instance, the existing state of society in Paris with that in which it might have been securely flourishing, had the old Government continued, or had it only been gradually changed. But I would implore these agitators, whether at Milan or at Rome, at Berlin or at Vienna, to cast their eyes over the history of the former Revolution, and to say what remains of the men who bore in it the more forward parts. Of those whose exploits for a little season occupied the world—those whose power spurning all bounds, surpassed the power of the most absolute Monarchs—those whose appetite was pampered by that enjoyment the most exquisite, whether to the ambitious or the vain, sovereign sway seasoned, highly

seasoned, with popular renown—of those men, the spoilt children of revolutionary fortune, what now remains? The men who were in all men's mouths—who had for a season all the glory of demagogues, and all the sway of despots—nay, who filled foreign countries as well as their own, with the terror of their names—fell a sacrifice without a single exception to the ferocious power they had called into existence; not one of them ruled for a year; and not one of their names can now be pronounced without horror or disgust, as awakening the recollection of monsters that disgraced human nature. Even Mirabeau is no exception; he is still known as a rhetorician; but he died before the Revolution was steeped in blood, and he had indeed quitted revolutionary courses before his profligate, though brilliant career, was brought to a close. If in any part of France you name any other of the Revolutionary chiefs, and venture in the company of respectable persons to call them great men, you will at once be met with the assertion that you have prostituted the name to those who now are only regarded as great miscreants. For myself, I should certainly except General Carnot from this sweeping censure—but it is as a warrior and a philosopher, not as a ruler; and men have refused to forgive, even on the ground of the dangers which foreign invasion had brought upon the country, his acquiescence in the wholesale murders that were perpetrated to secure the revolutiouary reign.

Then if the lovers of Revolution turn their eyes towards the late events at Paris, has the power obtained by their authors, or the glory that surrounds their name, any charm whatever, either for those covetous of dominion, or those ambitious of renown? A stormy uncertain rule of three months; a sudden descent into their pristine obscurity; the oblivion which awaits them in whatever is connected with the year 1848; this is the example which their history holds out to tempt

others into the path trodden by them with neither a firm step, nor enduring applause, and leading to obscurity both of station and of fame. The memory of Arago will indeed survive; but it will be of the philosopher, not of the ruler; and if any other name shall outlive the Provisional Government, it will be from having heretofore been, or hereafter being, inscribed elsewhere than on that ephemeral structure.

Surely, those agitators, who have ever felt inspired with the vain hope of reaching the heights of distinction and power by the short path which civil confusion throws open, instead of climbing the steep by the slow ascent which ambition must take in quiet times, must be startled when they see reflected in the dreadful page of French history the sure fate of those who vault to revolutionary eminence. The young and ardent, so easily dazzled with the view of that glittering summit, are not unnaturally inclined to disdain the more tedious progress, and refuse to bridle their passions, by submitting to the conditions on which alone either glory or power may be innocently enjoyed.

> Certare ingenio, contendere nobilitate,
> Noctes atque dies, niti præstante labore,
> Ad summas emergere opes, rerumque potiri.*

But if the guiltiness of such impatience have no terrors for their imagination, let them reflect on the lessons its fatal consequences should draw from their recollection of other men's story. Which of all the Convention chiefs who domineered over their own country, and filled every other with horror of their names, would have entered on their wicked path, had he known that it led to a few months' reign, a stormy

> * Of genius emulous to soar on high,
> With noble souls in noble arts to vie,
> On worthy toils to see suns set and rise—
> The strife is arduous—but the world's the prize.

life speedily ended, and the perpetual execration of their memory through all after times!

In our own happy country there is no occasion to read such lessons to any respectable portion of the community. But there are some who, really conceiving that abuses exist of a grievous kind, feel anxious to have them removed; and are impatient of the slow remedy brought by the spirit of peaceful, gradual improvement. Let these men, before they put themselves in the hands of the wily intriguer, or reckless abetter of sedition (possibly for his own vain or sordid purposes), reflect on the state of France since such guides acquired their influence, and were followed in their destructive courses. Can any reflecting mind fail to perceive that if the country has not been ruined by the late change, it is only because no great country can ever be wholly ruined?

But it is not alone to the profligate adventurer, the mere lover of mischief, the trafficking agitator, or the man of restless ambition, conscious of talents above his obscure station, that these observations are addressed. It is one of the most painful reflections connected with Revolutionary times, and certainly is one of their most hateful effects, that in their perverting and corrupting operation they spare not persons of previously fair character. Nay, not always does the tempest sweep innocuous over the heads even of the more amiable members of the community which is visited with its devastation. A general disregard of tender feelings, even a contempt for them, is engendered—those feelings which are the source of many virtues, the guardians of many more. The hardness of heart extends its indurating influence to the nobler parts of the system, and the moral principles are attacked. A further mischief is done by the constant working to which the imagination is stimulated. Then the excitement of the passions, even the more innocent ones of

hope and fear alternating in excess, is far from harmless in its influence upon the character. But indeed a vast injury is occasioned merely by the calamitous changes perpetually succeeding one another; by the sudden destruction of some fortunes, and as sudden creation of others; by the misery everywhere spread over the land, and the terror daily haunting men's minds, of worse yet to come. All great national disasters, if they have any continuance, produce evil effects upon a people's morals; for they tend to displace prudence, itself one of the virtues, and protector of them all. It is even not unfrequently seen that the good fall among the earliest victims to the moral plague, as those of robust constitutions are swept away first by natural pestilence. The reason is partly that, being of warm temperament and strong feelings, they are easily excited; but still more because they have a dangerous confidence in themselves, and are betrayed ere they are aware of the risk they run; just as we not unfrequently remark persons of indifferent character trusting little to themselves, and less to their repute in the world, more cautious to avoid certain temptations, and at any rate more fearful of losing what little rag of character remains to them.

Now let it not be supposed that I am dwelling on this topic for the sake of mere sentiment or moralizing. Little as I am disposed to undervalue such discourse, even with a view to the province of the statesman and the lawgiver, I have a much more practical inference to draw from these somewhat sad reflections. They teach us the extreme folly, not unmixed with considerable national arrogance, of those amongst us who are so ready to affirm that there can be no fear of the scenes in the former and the late French Revolutions, at which we all stand aghast, ever being enacted in our happy country by our virtuous people. I feel inclined on this as on many occasions to address my

countrymen, "Men of England, I observe that ye are in all things a little too Pharisaical." It is every day's experience, accordingly, on the subject of our present remarks, to hear good English folks thanking God they are not as other men are, bloody-minded and murderous; they have no fear of excesses being committed in London or Manchester, even were Revolution to approach; they are sure it would be very different here from what it was in Paris.

But a little month ago, and I doubt not the Germans would have held the like language of national self-complacency; and yet Frankfort has already overtaken, almost outstripped Paris; so rapid is the pace of mob progress under revolutionary tuition! For my own part, I have as good an opinion of my fellow-countrymen as any one can reasonably have of a vast and various body of people. But as I cannot answer for the conduct of any individual under the influence of disease, so neither will I undertake for the English multitude, if they shall happen to be infected with the fever which has mastered reason in other countries, or laid her asleep; and I deem it infinitely better on every account, that the experiment should never be tried which can alone decide with certainty between the opposite opinions.

Look to Ireland, where the trade of the agitator, the professional mischief-maker, has so long thriven. The Repeal of the Union has been a livelihood to many; to one the source of great gains, partly by the money it yielded in large sums, partly by the traffic he drove with the Government, which depending on him for their narrow majorities could refuse him nothing, neither places for his family and followers, nor any other bounty: he contrived, during a considerable portion of his life, to live upon the people, as a pensioner on the poor, with the name of a disinterested patriot. It is true that he survived, or all but survived,

his rent; his tenantry fell away; the priest, his steward, could no longer extract from the pauper cottier the pence they so hardly earned. Others less wary and crafty, but far more honest, and if highly improvident, yet not at all sordid, denounced the fraudulent traffic in principle, that had so long been shamelessly carried on; and his successors, devoid as they were of all capacity, and though tools of the priesthood, yet blunt tools, have been, amidst the laughter of their countrymen, obliged to give up the family business. But this has not happened until paid agitation, the trade so long driven by them, had produced its baneful effects; and the Government of the country, I say it with grief, and even with shame, is deeply responsible for having suffered it to be carried on so long and so largely, that they have now to suspend the constitution one day and prosecute for rebellion the next. See only the hazard of such courses! Look at the late publication of Official Documents in France; and you will mark the folly of those who allow gunpowder to be collected near the fire, and think they can prevent mischief by begging it not to explode. The Red Republicans, in the Provisional Government, allowed clubs and agitators to prepare the revolt, and then wished to stop their proceedings on the eve of its breaking out: but it was too late. Our Government pursued the same course with the agitator, whom they protected and even praised, who had once been offered a place on the Bench, and whose right to agitate for *Repeal* was affirmed to be like that of any man to discuss any question. But that agitation has led to rebellion, and it is too late to retrace our steps. The example of Ireland, shows that the very much worse example of France may extend its influence to other countries than those which, in the defective state of their institutions, have a motive and an excuse for proceedings dangerous to the public peace. All good men must devoutly wish that the constituted authorities

should ever be watchful to check the least tendency towards revolutionary courses, while they encourage rational and peaceful improvement.*

* All the details of the proceedings in 1848, which were of a merely temporary or accidental nature, have been omitted in this Dissertation. Of this description are the errors, to give them no worse name, of the Minister of Justice respecting the sale of offices—the charges of corruption against some of the Provisional Government, never met even by a contradiction, but only by threat of legal proceedings—the appointment of infamous persons such as Galley Slaves to be Prefects—the attempts to renew the scenes of 1793-4 by emissaries of persons in the Government sent round the country—the endeavours to create a forced circulation of assignats—the undertaking to find work for the multitude—the establishment of clubs and newspapers (147 of the former, 171 of the latter) for the purpose of exciting the Paris mob—the arming of the mob by those at the head of the Police;—these, and other enormities may possibly be regarded as not fairly laid to the charge of the Revolution and its sudden production, the subject of this Dissertation.*

* The Date of this Dissertation is Sept., 1848.

ON GRADUAL LEGISLATION.

THE error of those who conceive that a Constitution can be formed at once by an act of National power, the expediency of such gradual additions and improvements on existing Institutions as experience suggests, and the necessity of correcting, also by experience, the errors which may have been committed in effecting these changes, was dwelt upon in the last Dissertation. Considerable discussion has been raised at different times respecting the alterations recommended of the great Reform measures of 1831 and 1832; and though all sound Statesmen hold that after so considerable a change had been so recently effected, no further step should be taken without great deliberation and a clear proof of its high expediency, if not absolute necessity, yet an extreme opinion was maintained of an opposite kind, as if that measure was to be regarded as final, and all further change excluded. All legislation, to be profitable, or even safe must be experimental, and as it were tentative. The prudent lawgiver must proceed with a constant reference to the effects which his measures have produced. He can but dimly see even to the shortest distance before him; therefore he is bound carefully to look behind, and on each side, that he may be well assured he has made no mistake, and be full sure of his ground. When we are sailing upon an unknown coast or a coast little known, where we cannot have the benefit of a chart, how shall we hope to be safe, if we possess neither compass to guide our course

nor lead to give us soundings and keep us secure from shoals and sunken rocks? Hence the absolute necessity of having full and regular details of the action of the laws, either made by our predecessors, or from time to time altered, abrogated, continued by ourselves. We make some change in the system. We are bound to examine how that new law works. Unless we know all the facts connected with its execution, how can we tell whether or not it was wisely, that is, usefully adopted? —whether we should persist in our course, or retrace our steps, or proceed in another direction? Hence the extreme importance of Judicial Statistics; and it is lamentable to think that we in this country are so very far behind every other civilized nation in this great branch of administration. The French stand at the head of all countries in this particular. There is yearly by the Department of the Minister of Justice, a publication of Tables containing full information, to the most minute details, of everything relating to the execution of the laws, both criminal and civil; so that at a glance may be perceived, if any new law has been introduced since the last Report, in what way it has worked. Other countries, as Holland, Belgium, most of the German States, Sardinia, even Naples, have full details regularly made public, though with less perfect arrangement and less perspicuity than those of France.

The Bill which I presented to the House of Lords last Session, provided for the establishment of a Department which should supply this great defect, and it gives in many schedules the particulars which will be required in order to make the yearly publication approach to the fulness of the French. Until we have such details, it is manifest that we must in a great measure legislate in the dark. No one denies that any conceivable change in the ordinary laws may by experience be shown to require being reconsidered. But even on changes in the Constitution, the same reconsideration may be necessary, although it may fairly be stated that

greater slowness should be evinced to change what may be termed an organic law, a law affecting the fundamental structure of the Government. But that even such laws, such constituted arrangements are subject to the rule, and may be expediently, or even necessarily revised, cannot be doubted; and the error of those who some years ago held the contrary opinion requires to be exposed.

The origin of those errors was a belief that a much greater change had been effected in 1832, than really was then made. Some went so far as to call it a Revolution rather than a Reform. But that it was a recurrence to the former state of things is undeniable. The only difference between the measure and any other improvement or alteration in our system was, that as the departure from the original state of the government had been slowly brought about, the return to it was effected at once. But nothing had happened during the long interval to make that return be attended with anything violent. The restoration though sudden gave no shock; and the proof of this is afforded by the fact that during the first years of the new Parliamentary Constitution, affairs were conducted both in Parliament and in the country with as little change as possible in their former course. This consideration of itself was sufficient to expose the error of those who argued from the extent of the alteration made in 1832, against again considering its provisions, and even against remedying the defects which experience had disclosed. The doctrine of "Finality" or "Permanence" seemed quite untenable. All statesmen, as well lawyers as laymen, must deny the possibility of Parliament being tied up from applying its wisdom to the Constitution established at one time, when at a future time a change of circumstances had rendered it unsafe or mischievous, or less beneficial than might be desirable. The only thing, lawyers tell us, which exceeds the supreme power of Parliament, is to bind its own hands against future

legislation. It has performed strange feats, we well know.—It has declared Malta to be in Europe, and Berwick-on-Tweed in England; it has protected, by a £10 penalty, the truth of the proposition in Euclid, that the opposite sides of a parallelogram are equal (in the Excise laws regulating glass melting); and it has declared the one pound bank note to be equal in value to 20*s.*, when it was so depreciated that a severe penalty was in the same breath denounced against all who gave or took less than 20*s.* in exchange for it. But it is on all hands admitted, that a statute, made with all the solemnities of legislation, and clothed with all the formalities of law, which should enact the "Permanence" of any one clause for eighteen months would be null and void to all legislative intents, and would not prove the slightest obstacle to the total alteration of that very clause the first week of the next Session.

Let us, in order to try these Finality or Permanence doctrines, take an instance, and to make the discussion the more practical, the more apposite to our present controversy, let us consider in this view one or two of the projected changes in the Reform Act.

I will first speak of the Elective Franchise, because that is, in my view, by far the most important of all. The authors of the Reform Act well remember the time when, in preparing the plan, a £20 house was considered sufficiently low; they also recollect how the first inspection of the returns from boroughs at once brought that, by universal consent, down to £10, at which we finally settled the qualification. But no returns can tell any one the actual numbers who will have votes in any given town, more especially if there be a certain residence exacted as a condition precedent to the right vesting. Still less can any returns tell the working of any given qualification in various other important particulars, as the respectability and independence of the voters, their tendency to abuse as well as to use the franchise, and the effects of disqualification

on other classes of persons. All these things must be gathered from experience; actual trial can alone prove the soundness of the principle. No previous estimate can show the safety of the plan, any more than it can test the sufficiency of the machinery to carry the principle into execution.

The advocates of a *final* settlement like a simile, and use it with much skill in illustrating their arguments. Let me try my hand—my very inferior hand—at the same kind of topic. Even when the steam engine had been invented and perfected, no engineer, not even the illustrious authors themselves of the theory, ever sent into the market a machine without actual trial; nor, I will venture to affirm, was there one ever made without having to undergo some alteration in the trial, to bring the engine full to its bearings and secure its working smoothly and sweetly. This would be allowed in the Reform Act; this kind of adjustment, it would be admitted, the Reform Act of necessity requires. But then they would deny that the Principles of the elective system, the Fundamentals of the Reform Act, should be changed, because these were not, they would say, brought to any trial by the experiment. This I utterly deny; I hold them to have been as much a novelty—as much a matter of mere previous calculation before any experience—as the steam engines of Worcester, Newcomen, and Watt. Then what should we have thought of those great inventors, had they laid down their plans and framed their models, and then refu ed to make any change whatever in the principle, however ill they found it upon trial to work? Let us recollect that the defects pointed out by the working of the Reform Act are not merely in the details of its provisions; not like the faults found in a new steam engine, made on the plan which had been found to answer in a thousand cases before. The whole principles of the Act were new and untried; it was like Newcomen for the first time framing a working model,

on the principle of causing the movement of the piston by a vacuum; or Watt, for the first time condensing in a separate cylinder, or planning the regulator by means of centrifugal force, or projecting the parallel motion by the contrary flexure of a curve's branches. All these new principles theory seemed to sanction; but in practice they had never been tried; and none but a driveller would ever have thought of adhering to any given portion of them, had they been found in that particular to fail. So the extension of the suffrage to £10 householders and no lower; the introduction of leasehold votes; the retaining one kind of freemen and no more—were all new principles of political construction; and before experience had shown how they worked, no man had a right to say that they would not require revision and alteration. Indeed I go a step farther; I see no right that any man could have to pronounce before trial the total abolition of Nomination Boroughs an absolutely necessary, and altogether expedient part of the system, without any provision being made for the entrance into Parliament of official persons. Experience has, in fact, proved that, as I foresaw and foretold in my place, this portion of the Act requires some revision; for all the important measures of Law Reform ready to be carried through Parliament in the beginning of 1833, were postponed a whole year, including the Imprisonment for Debt Bill, by the Attorney-General being unable to find a seat in the House of Commons, until an accident created a vacancy towards the end of that session.

In another point of view, however, the doctrine of "Finality" or "Permanence" is still more exceptionable. Can we make the circumstances permanent in which the elective system is to work? Can we fix on any basis of final arrangement the condition of the society to which the scheme is applied? Do not all human affairs, and their relative positions, vary from time to time, so that a stable position of things is the only position of things they never assume? Final! Per-

manent! — truly! "Man and for ever!" as a great political philosopher exclaimed in discussing the foundations of a constitution made for perpetually enduring. Final! Permanent! for ever! Why, society is in a progress that makes it change not only from age to age, but from year to year. We can find nothing less fixed than a rapid stream wherewith to compare the course of time. Then are the fortunes of mortals moored to its banks, or borne along its current? If the flood carries us down at its own pace, what sense is there in the advice of those who, unable to stem it for an hour, or an instant, would have us make all our arrangements as if we were anchored in smooth water on the margin of some peaceful lake?

Let us see how this is with the Elective Franchise. All agree that the great criterion for determining who ought and who ought not to enjoy it, is their fitness for exercising it beneficially to the common weal. Are the masses of the people stationary in improvement? Are the numbers of well-educated persons the same at one time and at all times? Are the males of twenty-one years old in 1839, who have improved their minds by reading, not more numerous than the same class was in 1831? Then, are the well-educated classes not those best worthy of being entrusted with the selection of their representatives? Must that which was taken as a test of information and respectability, when we could find no better, be rigorously adhered to, when, in the altered state of society, it proves a bad test, or no test at all, and when another and a better is easily to be found?

Observe how grievously this view of Permanence sins against the very fundamentals of a Reformer's creed, and then comprehend how distasteful it must prove to all the Friends of Reform. We had all along been contending for the necessity of extending the suffrage, principally because what might be a very fit qualification in times of ignorance, would not do now

when all ranks are so much better taught; and that the spread of knowledge among the people made it wholly impossible to deny political rights to vast bodies of men who had of late years raised themselves in the scale of society by their mental accomplishments. Was it not adduced as one principal reason in favour of Parliamentary Reform, that ten newspapers and twenty books were now published for one that our ancestors had circulated among them? Lord J. Russell urged this truly wise, solid, and philosophic argument against Mr. Canning's brilliant declamation, and illustrated his doctrine, so worthy of the Vice-President of the Useful Knowledge Society, by numerical statements of the progress of publication, on which very occasion, the reduced majority against Reform made Mr. Canning declare that he regarded the question as carried. But the doctrine of Permanence—if you prefer the word to Finality (as I do, because the one is a word, and the other is none), makes sad havoc with all such arguments; indeed the two things cannot exist together.

I go, however, a step farther—and I will suppose men's affairs to be in a state of perfect stagnation—no change to happen in the circumstances of human society—none in the pitch of human improvement. I will suppose all men and all things to remain in the same fixed state which some accounts of the Chinese Empire describe, and suppose, moreover, that actual experience had thrown no new light upon the scheme of 1831.—Still, I say, that it is quite absurd, I might call it very presumptuous, to affirm that having then devised what then appeared to us the best scheme we could think of, no man can now suggest any improvement upon it. This is indeed to arrogate infallibility to ourselves, or ascribe perfection to our own handiwork. But how absurd, or how presumptuous soever this delusion may be, it is nothing to the extravagant, the monstrous, folly of rejecting any acknowledged

improvement that may be subsequently offered, merely because it is a change—in other words, for no better reason than that it did not occur to ourselves eight years ago! I quite admit that the having once adopted a plan is a reason for not changing it unless the improvement recommended appears plainly to deserve the name. But surely a more silly thing never was asserted than that it behoves us to reject all admitted improvements, how useful, how important soever, for no other reason than that they are now, and had not before been, thought of.

Thus does this doctrine of "Finality" or "Permanence," in any view which can be taken of it, set itself against all the most obvious rules of common sense. It assumes that experience is of no avail in detecting the errors of an untried scheme of polity—bidding us be satisfied with the theory, and disregard the practice. It assumes that the state of society and the condition of its members, is for ever stationary—bidding us act as if no change in the affairs of men could take place in the lapse of time. It assumes that lawgivers alone, of all human artists, at once make their inventions perfect—bidding us reject whatever new ideas present themselves upon further reflection, for the improvement of our designs. It sins against the dictates of sound reason; it thwarts the inevitable course of affairs; it is opposed to the eternal nature of things—and to crown all, a doctrine so wildly impracticable is presented to our acceptance, not as a guide in groping our way through the mazes of some mere speculative subtle theory, but as the canon of our conduct in dealing with the most purely practical subject that can occupy the attention of men, the one where any speculative errors of ignorance or inexperience are fraught with the most perilous consequences—it is propounded as our rule in framing a Constitution for the actual Government of mankind!

In all other sciences, we profit by further reflection,

and longer experience; in all other arts, we mend our first attempts by the result of our first trials, and never rest satisfied until our experiments show that our calculations were correct. Where the question is about the force of steam, the strength of cordage, the friction of beams; where the known laws of motion are the subjects of our investigation, and the ascertained properties of brute matter can alone influence the accuracy of our estimates; we never rest satisfied until whatever conclusions we may have built upon the theory most mathematically demonstrated, have been put to the test of actual trial; and up to the last moment of our inquiries, we gladly catch at any modification of that theory, any improvement of the methods deduced from it, which our experiments have suggested. But when the principles of human nature are the powers by which we work; when the faculties of the mind are the subject of our reasonings; when the complicated interests of society are the materials of our machinery, and its moving powers are the sentiments, the feelings of the soul, and our engine is to be launched for action among the conflicting passions of millions—then it seems we are to strike out our plan at a heat—to frame a constitution in a few weeks that shall last for ages—to rely upon our abstract theories—reject in our wisdom the aid of that experience which teaches even fools—proclaim that our handiwork is perfect, because it is the result of calculation without trial—and persevere in holding by the machinery we have devised upon speculation, without the least regard to either the defects which it shows each time it is worked, or the faults which a further study of the subject had disclosed. And all this is to be deemed a wise, a judicious, an eminently practical course of conduct! That is the praise claimed by the Finality Doctors; that is the argument which they put forward for their system: It is wise, and holds all reflection cheap; it is judicious, and rejects the lessons

of experience; it is practical, and prefers theory to experiment, conjecture to fact.

Let us for a moment consider the appeal which is made to the actions of the Reformed Parliament in proof of its constitution being perfect. Of the eleven measures enumerated, I am almost certain that every one would have passed in the old borough Parliament; I have not the least doubt except as to a single one (Irish Church); and the New Poor-Laws, I am quite certain, would have been much less opposed before 1832 than they have been since. No one can gravely state those Poor-Laws—and, indeed such measures as opening the China Trade, Negro Emancipation, Criminal Law Improvement, and the Commutation of Tithes—as measures wrung from the Church and the Aristocracy by the extension of the elective franchise and the extinction of close boroughs. Not that, on the other hand, I am so smitten with respect for the memory of the boroughs now no more, as to clothe the old Parliament in a glory which does not belong to it, when I desire it may be recollected, in common fairness to that much and justly vilified body, what things it did without ten-pound householders, and under the nomination system. It reformed the law in some of its main branches—both the Civil and the Criminal Law—placing the administration of Bankruptcy upon the best possible footing, and effecting all the real, practical diminution of capital punishment that has been made up to this hour; for every one knows that not one single execution has been prevented by the Acts of the Session before the last.

One of its last acts before it expired was the abolition of thirteen great sinecure places; nay, it was the unreformed Parliament that passed the Act which is now held to be so perfect as to admit of no improvement—the Reform Act itself. Let us see some such Parliamentary Reform brought about by the Reformed Parliament, and then we shall be better able to agree

upon its transcendent merits, if not upon its absolute perfection. I cite these workings of the old system, not at all by way of defending it, or of underrating our improvements upon it; but only in order to show how very inconclusively those argue against the necessity of still further improving the new system, who cite for this purpose the things that have been done during its existence.*

* Published in 1849.

PRINCIPLES OF PARLIAMENTARY REFORM.

THE greatest obstruction in the way of those who would remove the defects of our Representative system, and especially extirpate corruption—the worst charge to which it is liable—arises from the difficulty of drawing the line between the legitimate and the unlawful use of property. We shall find that this lies at the bottom of almost all the arguments which have been at various times urged against an alteration of the established system. If all men were perfectly wise and virtuous, they would stand in no need either of government or of representatives; and, therefore, if they do need them, it is quite certain that their choice will not be influenced by considerations of duty or wisdom alone. It may be assumed as an axiom, therefore, however the purists may be scandalized, that, even in political elections, some other feelings will necessarily have play; and that passions, and prejudices, and personal interests, will always interfere, to a greater or a less extent, with the higher dictates of patriotism and philanthropy. Of these sinister motives, individual interest, of course, is the strongest and most steady; and wealth, being its most common and appropriate object, it is natural to expect that the possession of property must bestow some political influence. The question, therefore, is, whether this influence can ever be safe or tolerable—and whether it be possible to mark the limits at which it becomes so pernicious as to justify legislative coercion. Now, so far are they in error who

hold that there is no room for any distinction in this matter, that the natural and inevitable influence of property in elections, appears not only to be safe, but salutary; while its artificial and corrupt influence is among the most pernicious and reprehensible of all political abuses.

The natural influence of property is that which results spontaneously from its ordinary use and expenditure. That a man who spends a large income in the place of his residence—who subscribes handsomely for building bridges, hospitals and assembly-rooms, and generally for all works of public charity or accommodation in the neighbourhood—and who, moreover, keeps the best table for the gentry, and has the largest accounts with the tradesmen—will, without thinking or caring about the matter, acquire more influence, and find more people ready to oblige him, than a poorer man, of equal virtue and talents—is a fact, which we have as little right to deplore, as to call in question. Neither should it cost us any pang to reflect, that, if such a man was desirous of representing the borough in which he resided, or of having it represented by his son or his brother, or some dear and intimate friend, his recommendation would go much farther with the electors than a respectable certificate of the extraordinary worth and abilities of the opposite candidate.

Such an influence as this, it would evidently be quite absurd for any legislature to think of interdicting, or even for any reformer to attempt putting down—in the *first* place, because it is founded in the very nature of men and of human affairs, and could not possibly be prevented, or considerably weakened, by anything short of an universal regeneration; *secondly*, because, though originating from property, it does by no means imply, either the baseness of venality, or the guilt of corruption; but rests infinitely more upon feelings of vanity, and social instinctive sympathy, than

upon any consciousness of dependence, or any paltry expectation of personal emolument; and, *thirdly*, because, taking men as they actually are, this mixed feeling is, upon the whole, both a safer and a better feeling than the greater part of those, to the influence of which they would be abandoned, if this could be destroyed. If the question were, always, whether a man of wealth and family, or a man of sense and virtue, should have the greatest influence, it would no doubt be desirable that the preponderance should be given to merit. But this is by no means the true state of the contest: and, when the question is between the influence of property and the influence of intriguing ambition and turbulent chase of popularity, we should be glad to find the former most frequently prevalent. In ordinary life, and in common affairs, this natural and indirect influence of property is vast and infallible; and nothing can conduce so surely to the stability and excellence of a political constitution, as to make it rest upon the general principles that regulate the conduct of the better part of the individuals who live under it, and to attach them to their government by the same feelings which insure their affection or submission in their private capacity. There could be no security, in short, either for property, or for anything else, in a country where the possession of property did not bestow some political influence.

This, then, is the natural influence of property; which should not only be tolerated, but encouraged. Let us now endeavour to explain that corrupt or artificial influence which ought by all means to be resisted and repressed. Under this name is comprehended all wilful and direct employment of property to purchase or obtain political power, in whatever form the transaction might be embodied: but, with reference to the more common cases, we may exemplify them in the instances of purchasing votes by bribery, or holding the property of those votes distinct from any other

property, and selling and transferring them for a price, like any other marketable commodity. All such practices are stigmatized, in common language and in common feeling, as corrupt and discreditable; and the slightest reflection upon their principles and their consequences, will show, that while they tend to debase the character of all who are concerned in them, they lead directly to the subversion of all that is valuable in a representative system of government. That they may, in some cases, be combined with that indirect and legitimate influence of property of which we have just been speaking, and, in others, be insidiously engrafted upon it, it is impossible to deny; but that they are clearly distinguishable from the genuine fruits of that influence, both in their moral character and their political effects, we conceive to be equally indisputable.

Such is the most general and abstract view which needs be taken of this interesting question.—But, with a view to the particular points in discussion, it is necessary that we should also consider it, for a moment, with reference to the actual state of the fact, and the practice in this country. Upon the subject of direct bribery to individual voters, it cannot be necessary to say anything; the law and the feeling of all mankind have marked that practice with reprobation: and even the greatest sticklers for the influence of property do not pretend to say that the law or the feeling is erroneous, or that it would not be better that both should, if possible, be made still stronger than they are.

Setting this aside, however, the great practical evils that are suffered to result from the influence of property in the elections of this country, are, 1st, that the representation of certain boroughs is entirely, necessarily and perpetually, at the disposal of certain families, so as to be familiarly considered a part of their rightful property; and, 2dly, that certain other boroughs are held and managed by corrupt agents and jobbers, for the express purpose of being sold at a price

in ready money, either through the intervention of the Treasury, or directly to the candidate. That both these are evils and deformities in our system of representation, must be admitted; though by no means to the same extent, or produced by the operation of the same causes.

With regard to the boroughs that are permanently in possession of certain great proprietors, these are, for the most part, such small or decayed boroughs, as have fallen, almost insensibly, under their control, in consequence of the extension of their possessions, and the decline of the population. Considered in this light, it does not appear that they can, with any propriety, be regarded either as scenes of criminal corruption, or as examples of the reprehensible influence of property. If a place which still retains the right of sending members to parliament, comes to be entirely depopulated, like Old Sarum, it is impossible to suppose that the nomination of its members should vest in any one, but the *proprietor* of the spot to which the right is attached: and, even where the decay is less complete than in this instance, still, if any family has gradually acquired the greater part of the property from which the right of voting is derived, it is equally impossible to hold that there is anything corrupt or reprehensible in its availing itself of this influence. Cases of this sort, therefore, may be considered as cases of the fair influence of property; and though admitted to be both contradictory to the general scheme of the constitution, and subversive of some of its most important principles, they are to be regarded as flaws and irregularities brought on by time and the course of events, rather than as abuses introduced by the vices and corruptions of men. The remedy would be to take the right of election from all places so small and insignificant as to have become, in a great measure, the property of an individual—not to rail at the individual who avails himself of the influence inseparable from such property—or to dream of

restraining him in its exercise, by unjust penalties and impossible regulations.

The great evil, however, is in the other description of boroughs—those which are held by agents or jobbers, by a very different tenure from that of great proprietors and benefactors, and are regularly disposed of by them, at every election, for a price paid down, either through the mediation of the ministry, or without any such mediation. In the former case, they obtain the significant appellation of "Treasury Boroughs;" in the latter, they are described merely as venal or rotten. For the sake of the more innocent class of readers, it is necessary to explain, in one sentence, the mechanism and organization of this disgraceful traffic.

The scene of it is laid almost entirely in the smaller and more inconsiderable boroughs, containing from 150 to 400 or 500 voters,—such places as are scattered so plentifully over Cornwall and Devon—too large to have become the property of any family or individual —and far too small and insignificant to contain any available portion of popular spirit or opulent independence. In every place of this description, it has for a considerable time back, been the practice for some judicious borough-agent to settle himself,—an animal, for the most part, of the attorney *genus*, and of that class most remarkable for activity, and for a conscience singularly unsusceptible of scruples. By the judicious employment of a little capital, he soon acquires the control of a considerable number of votes; and, by heading, and fomenting local jealousies and quarrels— by cajoling, soliciting, promising, and actually bribing —he finally gets the command of a very considerable part of the electors, along with a pretty accurate knowledge of the dispositions and vulnerable points of those who are not entirely devoted to him.

When things are in this train, he may proceed to open his negotiations with the Treasury. This is done, in the first instance, with much decency and decorum.

The attorney represents, that, by long residence, and the expenditure of much money, he has acquired considerable influence in such and such a borough; that he and his friends are exceedingly well affected to his Majesty's government, and would be very happy to exert themselves in behalf of any candidate who was fortunate enough to possess the confidence of his servants: but that, in order to secure his election, two things are necessary; first, the instant payment of a small sum of money—from £3,000 to £4,000—in order to indemnify him, the contractor, for the heavy expense incurred in establishing his influence; and, secondly, the promise of making him the organ and distributer of all the local and petty patronage which the government may exercise in that district, and of listening favourably to his recommendations in behalf of their supporters in the burgh. The minister makes a gracious answer to this overture; pledges himself for the patronage; and soon finds a candidate who is willing to advance the money. When the matter is thus far managed, the agent returns to his borough; distributes a part of the money among the worser part of the electors, without the knowledge of the candidate; and secures a great many more by promises of little offices for themselves, and of appointments or promotion for their children and relations, in the excise, the church, the army, or the navy. A further sum is expended in importing and feeding electors; and the member is returned, untainted with any act of direct bribery to his constituents; but entirely upon an interest that is, in all its stages, equally unworthy and corrupt.

What has now been represented, is a kind of theoretical sketch of the first transformation of a small borough into a Treasury borough—an occasion on which there is much less gain to the agent, and more direct bribery among the electors, than is likely to occur after it has once decidedly assumed this character. The skill and opportunities of the agent improve, of course, as

his experience increases; and, if the minister keep his word tolerably as to the article of patronage, it is often found practicable to carry on matters by that means alone, and to dispose of the place by the help of this influence, joined to good management and old connection, without any actual advance of money, except to a few who are unusually profligate, or unusually needy.

It thus appears, that Treasury boroughs are boroughs sold by usurping and intriguing agents, partly for money paid over by the candidate, and partly for offices and patronage corruptly promised and distributed by ministers. The gainers are—the ministers, who secure a seat to a creature of their own, by a moderate abuse of patronage—the member, who obtains his seat for a much smaller sum than if the whole price had been required in ready money—the agent, who pockets a part of the money actually paid, and becomes a person of consequence, as the local organ of ministerial influence—and the corrupt electors, who get cash or offices for their subserviency to the laudable views of these several persons:—the only losers being the honest electors, who are virtually deprived of their franchises, —and *the country* and *the constitution*, which suffer, to an alarming and incalculable extent, by the general debasement of political principle, and the enormous addition that is thus made to the influence of the Crown.

The simplest and most elementary case of borough-mongering has been taken, both because almost all the others are founded upon the same basis, and because, in point of fact, by far the greater number of cases are nearly of this very description. The variations are, that the seat is sometimes sold to opposition candidates, who, having no patronage to offer, for the most part pay higher in ready money; and that the great wealth and consequence that results to the agent, have unfortunately redeemed a part of the disgrace that should

attach to his vocation, and not only drawn persons, individually respectable, into the traffic, but have induced some of those, who held their influence by the fair tenure of property, to participate in his unlawful gains.

But, even without entering into these considerations, we may now venture to ask, whether it be possible for any man to shut his eyes upon the individual infamy and the public hazard that are involved in such proceedings, or for one moment to confound them, even in his imagination, with the innocent and salutary influence that is inseparable from the possession and expenditure of large property? The difference between them, is not less than between the influence which youth and manly beauty, aided by acts of generosity and proofs of honourable attachment, may attain over an object of affection, and the control that may be acquired by the arts of a hateful procuress, and by her transferred to an object of natural disgust and aversion. The one is founded upon principles which, if they are not the most lofty or infallible, are still among the most amiable that belong to our imperfect nature, and leads to consequences eminently favourable to the harmony and stability of our social institutions; while the other can only be obtained by working with the basest instruments on the basest of our passions, and tends directly to sap the foundations of private honour and public freedom, and to dissolve the kindly cement by which nature herself has knit society together in the bonds of human sympathy, and mutual dependence. To say that both sorts of influence are derived from property, and are therefore to be considered as identical, is a sophism scarcely more dignified or ingenious, than that which would confound the occupations of the highwayman and the honourable merchant, because the object of both was gain; and which should assume the philosophical principle, that all voluntary actions are dictated by a view to ultimate gratification, in order

to prove that there was no distinction between vice and virtue; and that the felon, who was led to execution amidst the execrations of an indignant multitude, was truly as meritorious as the patriot, to whom his grateful country decreed unenvied honours for its deliverance from tyranny. The truth is, that there is nothing more dangerous than those metaphysical inquiries into the ultimate constituents of merit or delinquency; and that, in everything connected with practice, and especially with public conduct, no wise man will ever employ such an analytical process to counteract the plain intimations of conscience and common sense, unless for the purpose of confounding an antagonist, or perplexing a discussion, to the natural result of which he is unfriendly on other principles.

But if the practices alluded to be clearly base and unworthy in the eyes of all upright and honourable men—and most pregnant with public danger in the eyes of all thinking and intelligent men—it must appear still more strange to find them defended on the score of their antiquity, than on that of their supposed affinity to practices that are held to be innocent. Yet the old cry of Innovation has been raised with more than usual vehemence, against those who offer the most cautious hints for their correction; and aid has been brought to the argument from a misapplication of the sorry common-places about the antiquity and beauty of our constitution, and the hazard of meddling at all with that under which we have so long enjoyed so much glory and happiness. Of the many good answers that may be made to all arguments of this character, one which seems sufficiently conclusive and simple may suffice.

The abuses complained of are *not* old, but recent; and those who seek to correct them, are not innovating upon the constitution, but seeking to prevent innovation. The practice of jobbing in boroughs was scarcely known at all in the beginning of last century; and was

not systematized, nor carried to any very formidable extent, till within the last forty years. At all events, it most certainly was not in the contemplation of those by whom the frame of our constitution was laid; and it is confessedly a perversion and abuse of a system, devised and established for very opposite purposes. Let any man ask himself, whether such a scheme of representation, as is now actually in practice in this country, can be supposed to have been intended by those who laid the foundations of our free constitution, or reared upon them the fabric of our liberties? Or let him ask himself, whether, if we were now devising a system of representation for such a country as England, there is any human being who would recommend the adoption of the system that is practically established among us at this moment,—a system under which fifty or sixty members should be returned by twenty or thirty paltry and beggarly hamlets, dignified with the name of boroughs; while twenty or thirty great and opulent towns had no representation:—and where upwards of a hundred more publicly bought their seats, partly by a promise of indiscriminate support to the minister, and partly by a sum paid down to persons who had no natural influence over the electors, and controlled them notoriously, either by direct bribery, or as the agents of ministerial corruption? If it be clear, however, that such a state of things is indefensible, it is still clearer that it is not the state of things which is required by the true principles of the constitution; that, in point of fact, it neither did nor could exist at the time when that constitution was established; and that its correction would be no innovation on that constitution, but a beneficial restoration of it, both in principle and in practice. If some of the main pillars of our mansion have been thrown down, is it a dangerous innovation to rear them up again? If the roof has become too heavy for the building, by recent and injudicious superstructures, is it an innovation, if we strengthen the sup-

ports upon which it depends? If the waste of time, and the elements, have crumbled away a part of the foundation, does it show a disregard to the safety of the whole pile, if we widen the basis upon which it rests, and endeavour to place it upon deeper and firmer materials? If the rats have eaten a way into the stores and the cellars; or if knavish servants have opened private and unauthorized communications in the lower parts of the fabric—does it indeed indicate a disposition to impair the comfort and security of the abode, that we are anxious to stop up those holes, and to build across those new and suspicious approaches?—Is it not obvious, in short, in all such cases, that the only true innovators are Guilt and Time; and that they who seek to repair what time has wasted, and to restore what guilt has destroyed, are still more unequivocally the enemies of innovation, than of abuse? Those who are most aware of the importance of reform, are also most aware of the hazards of any theoretical or untried change; and, while they strictly confine their efforts to the *restitution* of what all admit to have been in the original plan of our representation, and to have formed a most essential part of that plan, may reasonably hope, whatever other charges they may encounter, to escape that of a love of innovation.

But it is necessary to consider another head under which the influence of property must be ranged, wholly independent of the defects occasioned by time in the representative constitution, and independent of any illegal processes.

The expenses of a contested election arise, nearly, if not entirely, out of abuses wholly distinct from the defects of the constitution as at present established—we mean as changed from its original shape by gradual decay: So that there might exist the same number of rotten boroughs—the same want of representatives in great towns—the same nominations by patrons—the same influence of Government within and without the

walls of Parliament—and the House of Commons might be constructed upon the same principles as at present, and yet, by the mere diminution of election expenses, its materials might be essentially improved. Let us consider then in what way those expenses are incurred. There is here no question of bribery, or of treating; because these expenses are in direct violation of the law as it now stands; and though, perhaps, some means might be adopted to facilitate the detection of such illegal proceedings, yet it cannot be doubted that the law has done much towards restraining them. We may here remark, however, one very prevalent mode of evading the bribery laws, by withholding the payment of the money given to each voter in many boroughs, until after the expiration of the fourteen days allowed for petitioning against the return. It would surely have a good effect in checking this pernicious practice, if a member's seat might at any time be questioned and taken from him, upon proof of his having paid any sum to any of his voters with relation to his election; and one cannot see why there should not be created a presumption of law, at least to the civil effect of avoiding the return, from the fact of money having been given to a certain number (say above ten) electors, by the member or his agents.—But let us pass to strictly legal expenses. That of agency is no doubt a material one, and cannot be restrained. But in how many boroughs is the useless and childish practice of distributing ribands and other badges, the occasion of enormous charge? Why may not this be cut off by an extension of the Treating Act? Even the charges of the Hustings are considerable; and they ought not to exceed that which the public should pay—they ought in no case to fall upon the candidate. Nay, the expense of £500 or more for an election dinner, is to all intents and purposes objectionable, on the same ground as treating;—it increases the unnecessary cost of the election. There can be no

reason whatever for not cutting it off. Let the voters feast to celebrate their victory, or bewail together their defeat; but let the feast be at their own expense. All these expenses, however, are inconsiderable, when compared with the grand item of travelling charges. This affects the expenses of county and of borough elections differently. In the former, a great proportion of the voters must of necessity be resident at some distance from the place of election; consequently while the election is held in one place, the voters *must* either incur travelling charges, or they must be conveyed at the candidate's expense. But, in borough elections, there seems no necessity for this item at all. The bulk of the voters always reside on the spot; and it is only by the non-resident voters that any travelling charges are incurred. In a great proportion of popular elections, however, the non-residents have this right; and they must either not exercise their franchise, or be brought at their own, or at the candidate's expense.

Hence are obviously suggested the two methods of remedying this enormous evil, as experienced in county, and much more in borough elections. It has been proposed to take the poll in different parts of the county; and to prohibit, under penalties similar to those of the Treating and Bribery Acts, the defraying a voter's travelling charges, in all elections whatsoever. The first measure forms the substance of a bill lately introduced (1812). The second measure formed the subject of a bill, brought in about six years ago, and rejected by the House of Commons.

It is evidently extremely desirable, that some means should be fallen upon to diminish, or rather to cut off altogether, this great article of election expenses;—for this, more than all other causes put together, gives money an undue influence, and prevents the people on the one hand from exercising their free choice, and deserving candidates on the other, from presenting

themselves with a fair chance of success. But it is much more pernicious in borough than in county elections. The number of freeholders residing out of the county, is always trifling when compared with the whole body, and can never turn the fate of an election, except when the parties are very nicely balanced. In boroughs the case is different. It is not uncommon to see a fourth or fifth part of those having a right to vote residing at a great distance, chiefly in London; but if it is only a tenth part, such a body is very considerable, and cannot be disregarded—they must be brought down, and at an enormous expense. But their residence in London is no small part of the evil. They acquire an influence over their families and friends in the provincial town, by no means proportioned to their actual numbers. They become electioneering agents and agitators by trade—they are ever ready to stir up a contest and to profit by it—to sport with and prey upon the fears of the sitting members, and the hopes of the candidate, or, as he is termed (and it is an endearing appellation), the *third man;*—they literally live by jobbing and bribery and treating;—they are generally idle, dissolute, and unprincipled—making a traffic of the borough they belong to—and only anxious about selling it over and over again;—not merely once at each election, but to different bidders, one after another, during the same contest.—It is certain, that in no part of the popular representation do greater abuses exist than in the moderate sized boroughs—that those of three or four hundred votes are by far the most corrupt of all;—and it is equally undeniable that the great cause of those abuses and corruptions lies in the London voters. No reform, which should shorten the duration of Parliaments, would be even tolerably safe, without some radical cure applied to this crying evil To multiply elections under the present circumstances, far from being a good, would only multiply the most disgusting scenes of unprincipled corruption. Indeed,

it may be freely admitted, that the residence and London habits of those electors is of itself an objection to their retaining their present influence in their native towns.

Let us only consider the consequence which results from this right of non-residents to vote;—let us look at it as it exists constantly before our eyes. A set of those persons being idle and hungry, or it may be, thirsty, some by means of day-rules, others by a liberty of locomotion not very natural to their station and character, join together, and wait upon a likely man, that is to say, some one fit and deserving of the honour of representing—or rather of becoming a candidate for, the ancient and independent borough of Z. But what manner of person do they sagaciously pitch upon? Of course one who has abundance of that most essential intrinsic quality—money; and is disposed freely to dispense it;—some lucky speculator in trade,—some gambler in the ally or the club-houses, who has had a fortunate season, or loan;—most probably some lover of virtue and purity from the East Indies, or some West Indian friend of the freedom of election and the rights of men. Upon him they wait, and address themselves to his purse through his vanity. They obtain a foretaste of it; and the treating scene begins. He meets his worthy constituents and friends at the Black Dog, which is kept by an elector, a staunch friend to the cause; and there, at seven o'clock, an excellent supper is served up in the best style; speeches, and toasts, and resolutions ensue; and next day the puffing scene begins in the morning papers; and "a correspondent" suggests, that "Mr. X. is considered quite secure of his election." But the Fox and Goose is also kept by a worthy Zian, attached to the cause,—so the feast is held again there; and thus it goes round. In the meantime, the sitting members take the alarm, and observe what a pity it is to see a man like Mr. X., who is not infinitely rich, throwing away

his money, without the most distant prospect of succeeding; for indeed he might as well think of moving the monument as stirring the *established interests*. In short, they, for their parts, are perfectly easy;—never more so at any time since the great contest which ruined two lords and a knight, and seated *them*. Being so entirely secure, they proceed, as a very natural consequence, to assemble their London voters at the Barley Mow, which is attached to the regular family interest; or, peradventure, the Maidenhead in Dyott Street, where the friends of the good old cause are known to resort;—and so they play their part. It is an equally natural consequence of the same ease and confidence, and the same compassion for Mr. X.'s gross and expensive delusion, that there should be expended large sums in buying off many of the Xites, whose kind complying natures are prone to yielding; and Mr. X., scorning to be outdone at his own weapons, now sets his purse abroach, as well as his beer;—for, a little money spent in time, say both the parties, and still more their London friends, may save thousands. Accordingly, thousands are spent, or perhaps lent; and all—all except the voters—are zealous for battle; wishing, indeed, compelled to wish, that the election were come, and the endless round of expense brought to a close. As this period draws near, the relations between the candidates and their voters become more and more close and confidential; in truth, they live together, and have but one purse (though several houses) among them. The ministry bears an important share in the soft and endearing intercourse. This is emphatically to be termed the job season; nothing, positively nothing, must be refused. A perpetual interchange of promise and pledge—of mutual barter and sale—of places in possession for the voters, and votes in reversion from the candidate, is carried on without interruption; and the proper officer from the Treasury, as he goes trowling in the mud for his prey,

never fails, at this time, to fish up something worth his while, by using the proper bait. In the fulness of time the election comes: his Majesty having probably been advised, by some true friend to the purity of the church establishment, or some alarmist about the sacred rights of chartered companies, to make an appeal to the *sense* of his people. The non-resident gentlemen are now to be conveyed in a handsome way to Z., that they may exercise the most sacred and invaluable of rights; and they seldom do exercise it the worse for being allowed, not the actual expenses of the journey, but a round sum to bear their own charges; for this saves calculation, which would be ill-timed, and it is more satisfactory upon the whole. Arrived at the spot, it may be, that one of the most secure of all members finds it in vain to struggle against the new man's weight of metal, and a compromise is talked of. It were safer, by a good deal, to propose a general fast. So the riot being quelled, which the surmise had occasioned, the survivors proceed in their vocation; and if one candidate is in any way destroyed, or gives in, so that only two remain to begin the fight, the London friends take especial care to discover some third man again; and not unfrequently this last comer, being essentially necessary, becomes the favourite, and secures his seat at a comparatively low price;—to be treated in his turn exactly like his predecessors—and, having spent his money, make way for a new man of worth and substance.

Now, all enemies of public abuses, and all friends of Parliamentary Reform, really must have a very decided prejudice in favour of rotten boroughs themselves, as compared with the kind of elections which we have been contemplating. Moreover, our ancestors would have shown themselves both very silly, and very unfriendly to liberty, if they could "startle with indignation" at the sale of seats, and not be moved at the far worse species of traffic which goes on in the

more open boroughs of a moderate size. How, then, is this to be prevented, or at least checked? How can we at once lessen the abuses and corruptions complained of, and exclude the overwhelming influence of mere money, which at present disposes of so many seats in Parliament, far less honestly and decorously than if they were sold "like stalls in Smithfield market?" It is manifest that this salutary end can in no way be so well attained, as by depriving non-resident electors of the right of voting. It is not necessary to disfranchise them—but only to annex a certain residence as the condition of voting at any election;—or rather, perhaps, declare the right to be always in freemen, freeholders, householders, and so forth, as the case may be, "resident within the said boroughs or hundreds." It seems much better to do this, than to prohibit, as Mr. Tierney's bill did, the payment of travelling expenses: *First*, because such a prohibition never can be carried rigorously into effect, from the extreme difficulty of preventing the parties, or their agents, privately defraying those expenses: *Secondly*, because there is an apparent hardship in restraining a candidate from carrying his voters, or any persons he pleases, in his own hired vehicles; and without such an additional prohibition, the former would be manifestly nugatory: *Thirdly*, because the allowing such non-residents as can afford to pay their travelling charges the right of voting, is to give an additional influence to money, in a case where the franchise should either belong to none, or to all classes equally: and *Lastly*, because there seems no other way than the one now proposed, of destroying the pernicious class of London election jobbers. The hardship of disfranchising (as it may be called) a class of voters, is surely inconsiderable: for when a man, in quest of fortune, or for his pleasure, leaves his native town, he transfers his favours, his interests and his efforts to another community, at least for the time:—He is a citizen of the

place of his adoption, and bears it a sort of allegiance, determinable only on his return home;—he feels its interests as his own; and he will inevitably act as a citizen of that place. There is no reason whatever why he should be twice represented: and in all cases, where the right of voting depends on freedom, and not on property—that is, in the great majority of cases—it is a personal, and not a proprietary representation, that we are to consider as in question.

The other plan, that introduced by Lord Tavistock, upon the whole, deserves support; though it is calculated for the remedy of a lesser evil, and is exposed to several material objections. This matter may be very briefly explained. The great evil of non-resident voters in boroughs—that they open the election to mere monied influence—is not to be apprehended in county elections. No man can go down on the strength of his purse, and procure a return for a county. The evil intended to be remedied by Lord Tavistock's bill, is the expense to which either the candidates or the voters must be put, by travelling from their homes to the place of election. As far as it goes, this certainly gives mere wealth an influence which it ought not to have; and may consequently prevent a fit and deserving candidate from being chosen, because a less fit person—with great claims nevertheless from constitutional and proper influence—of landed possessions and family—may also be the richer of the two. So far it is desirable to check it; and the plan of taking the poll in different places, so as to bring the election home to the voters, seems well calculated to attain this end, and to produce good upon the whole; though somewhat qualified by the following drawbacks. The assembling of all the freeholders is beneficial to freedom, and to the course of representation: It both teaches the people their strength, by collecting them in a body, and begetting the animation always attendant on popular meetings; and it teaches the government

its duty, by a very simple and natural process. But it is chiefly useful, in keeping the candidate, or the former representative, under a salutary control, and exposing him for days together to have his conduct scrutinized, and his pledges given and recorded. A considerable part of this useful operation would be subtracted, if, instead of the constant assemblage at the Hustings, we had only one day of nomination, attended of course by the voters residing near the county town; and then a succession of small meetings in the different hundreds or wapentakes. Another evil which deserves attention, is the difficulty of so arranging the taking of the poll, as to allow the sheriff (the returning officer) to preside at each meeting—which seems quite necessary; and at the same time to give no undue preference to one part of the county more than another. So long as the time of keeping open the poll is limited to a fortnight, in the larger counties, a serious advantage would be given to the hundreds first assembled. Perhaps this might be best remedied, by extending the period of election in those counties. These suggestions show, that the good to be expected from this reform is not so great, and so unmixed, as that which the other is likely to produce.

The last expense of contested elections is frequently the most serious of all—the contest before a Committee of the House of Commons: For included under expenses of the Hustings already referred to, are the law expenses of the Sheriff, which the public ought to pay; and leave to the candidates, even in case of scrutiny, only their own necessary law charges. This cost before the committee might undoubtedly be materially diminished. The employment of three counsel, now become so frequent, seems scarcely to be within the spirit of the Grenville act; which allows only two, and a third in the absence of any of the others. The reason of having three, is not because the business requires it; but because the senior, perhaps

both the seniors, are generally in so many committees at once, that there is a constant chance of their being called away. If, however, the rule of having only two were adhered to (as it is in trials for high treason, where there is often a far better excuse for breaking through it), the parties would be compelled to employ such professional gentlemen as would make sure of attending to their business; and a practice would thus be disused, which perhaps the known delicacy of the Bar ought heretofore to have rendered obsolete,—namely, that of doing what the vulgar are apt to term, receiving payment for work which they are physically incapable of performing. There seems no reason why another still heavier expense should not be diminished,—the charge of bringing witnesses to London from distant parts of the country, and keeping them there during the trial of the election. It is evident, that many examinations could, with perfect safety, be taken by a commission on the spot; and that some might even be better conducted there than in the committee. Of this description are all matters of mere form; as the authentication of papers, the proof of handwriting, and other things of a like indifferent nature; together with the greater part of the questions of fact, arising upon scrutiny, where local knowledge may often be very material, and where it may almost always be left to commissioners to inquire into the facts. It is otherwise with questions of bribery and treating, where the judges ought undoubtedly to see the witnesses under examination, in order to get at the truth in a circumstantial case. But these examinations can scarcely ever be drawn to any great length. Now, this rule might with great advantage be adopted for separating the points of the case. On the first striking of the committee, the parties might agree that it should not meet for a certain number of days, so that they might have time for mutual conferences, in order to come to an understanding on the course of

proceeding. On the day of meeting, they should come prepared with their mutual consents on these points: first, whether in order to expedite the inquiry, the whole evidence shall be taken before the committee; secondly, if not, which of the witnesses shall be examined by commission. But it should be competent for the committee to issue a commission only in the event of such consent, unless three-fourths of the committee, on cause shown, agreed to it. It is obvious, that by some such arrangement, not only a great expense would be saved in bringing and keeping the witnesses, but the sitting of the committee would be shortened, and a still further diminution of expense attained. A third item of the expense of election committees, is the heavy fees of the House of Commons, which ought unquestionably to be cut off altogether, and a compensation made to the persons receiving them, out of the public funds. By these changes, or regulations, a very great saving to the parties contesting an election, might undoubtedly be made, and without any risk whatever, of either impeding the administration of justice, or affecting the privileges of Parliament.

Let us now resume this deduction, and consider what would be the consequence of cutting off all the useless and even pernicious expenses which have been successively under our review. We should have reduced the expenses of a contested election to the charge of employing a few law agents—perhaps a barrister and four or five attorneys with their clerks—an equal number of ordinary agents, and the expense of advertising, with the candidate's own travelling expenses, and those of his agents, in the case of a county election. The most severe contest for a borough might be conducted for a thousand pounds, either paid by one candidate, or divided between two, where they stood on the same interest; and a hundred or a hundred and fifty pounds might suffice for elections of a more limited nature.—

while the largest county could scarcely cost more than three or four thousand pounds. At present, the estimated expense of contesting Liverpool or Bristol, exceeds twelve thousand pounds; the great Westminster contest, with the committee, is supposed to have cost above eighty thousand; Sir Francis Burdett is believed to have paid as much in Middlesex; and the committee which conducted Mr. Wilberforce's election for Yorkshire, in 1807, state their expenses at fifty-eight thousand, with every resource of the most rigid economy, and great voluntary assistance in labour,—while the two other candidates, in all probability, paid each of them nearly double that sum.*

Such a change as we are now considering, would unquestionably appear hurtful in the eyes of those who hold, that, beside the fair, legitimate, wholesome influence of property—its indirect influence—it should have a more sensible effect of a direct kind; and who therefore maintain, that all reforms are bad, which open the doors of Parliament to men of moderate wealth. It is, however, rare to hear any such topics openly espoused; indeed, it could hardly be attempted, with a due regard to decorum and the ordinary language of the Constitution. The natural inferences from such notions would indeed carry us a vast deal farther; for it would go to justify a new and high qualification. The mode in which the money is expended, being nothing to the purpose, nor even the spending the money at all, we must infer, that the mere possession of it is the only virtue required: Why not then say at once, "No man shall represent a county, who cannot afford to throw away—in other words, who has not in his banker's hands, unappropriated,—fifty thousand pounds; and no man shall look for a popular place who has not, in like manner, ten thousand?" In truth,

* The contest at Liverpool which took place soon after this, 1812, cost one side above £30,000, the other about three times as much.

this is the language at present used every day; it is the language of the Constitution, as corrupted in our times:—it is the language, however, not of the British Constitution itself, but of its abuses; not of its healthy and manly age, but of its decrepitude and disease.

On the other hand, only see the effects of cutting off those noxious expenses.—The rights of the people, in all places where elections are still popular, would instantly revive. The persons interested in the welfare of each place, would have the management of the most important of all its concerns. They who know best, and feel most warmly for its good, would send to Parliament him who is to watch over, to foster, to defend it. The choice would be free;—the people would have him whom they prefer, as their representative. At present they are said to have their choice. True,—they may choose; but they must confine their election to a certain limited number of men; men of a certain weight of purse, whom the corruptions of the Constitution have, by a sort of previous vote, selected as the class from which candidates shall be taken; or if they will indulge in their choice, they must pay a heavy tribute to the fund of corruption itself. Again, the fit men could, in the new state of things, present themselves without fear of being bullied or beaten by some wealthy knave, or some coxcomb with an empty head and full purse. At present, for a good and able man of moderate fortune to think of attaining the greatest honour in the State, and doing it at the same time the best service, by becoming a legislator, is next to madness. He must, as soon as he has made up his mind to it, send for his attorney, and mortgage his estate; he must regard the country and its corruptions as Curtius did the gulf and the surrounding forum:—to stem the torrent, he must plunge into Parliament, and be ruined. The consequence is, that money has too great an influence over elections, and is doubly

represented,—nay, trebly; for it prevails indirectly in all elections, it meets us in the shape of the regular monied interest through the rotten boroughs, and it again rises into activity in popular elections themselves. An unprincipled city gambler may cause the best and most respectable man in England to ruin himself, or give up his seat; and even where no such case occurs, no sooner is a vacancy declared, than some man of mere money, and with no other earthly qualification, has a chance, next to a certainty, of getting into Parliament if he chooses to spend so much as the *speculation* requires. Are those who sit in Parliament by this tenure the best members?—What proportion of them,—how many at any one time are there, whom every one is not agreed in confessing to be by much the worst parts of the legislature?—We may safely rest the decision of the whole question upon the answers which every one will give to these queries from his own personal experience.

Those advantages to be expected from such a reform as we have been considering, are of a nature to recommend it even to the enemies of what is usually termed Parliamentary Reform.—The friends of that great question appeal upon much higher grounds. But for practical purposes it may suffice to show Reformers one very plain and most practical improvement which will result to their views, and which is calculated to render the changes recommended by them, far more feasible than they have hitherto been deemed. The general diminution of expense and reform of abuses in borough elections must remove many of the most serious objections to that branch of Parliamentary Reform, which consists in shortening the duration of Parliaments. Indeed, without some such changes as we have been speaking of, it does appear, that to multiply elections would very ill answer the designs of enlightened reformers. It would be only an increase of corruption, and a ruinous addition to the expense

attendant upon maintaining a seat in Parliament. It would afford the party possessed of most money the best chance of defeating their adversaries; for if the friends of liberty made head against their antagonists once or twice, they would run the greatest risk of being beaten the third or fourth time. But diminish the expense of contest; shut out the direct agency of mere money; and cut off the source of that hateful corruption which overwhelms popular places where absentees are entitled to vote, and do in fact, nearly dispose of the representation;—and you may in all safety reduce the duration of Parliaments to three years. The more frequently the people exercised their rights, as cheaply as they certainly could, the more strong, the more confident in their strength would they become; so that no effort, either of upstart wealth, or hereditary insolence, or ministerial interference and intrigue, could for any length of time, or in any considerable number of instances, prevail against them.

We have adverted to the main ground taken by the adversaries of Reform—the dread of innovation. To this objection the changes recommended as to the purifying and the diminished expense of elections generally, are not exposed, because the novelty is in the abuses complained of, and a recourse to the original state of things is recommended. But the other ground taken by those who oppose all Reform, is a denial that the means of the Crown's influence affords any defence of measures tending to restrain it within narrow bounds. This argument proceeds upon the concession, that the influence of the Crown has increased greatly within the last fifty years; and consists almost entirely in the assertion, that this increase, great as it undoubtedly is, yet has not kept pace with the general increase which has taken place, in the same period, in the wealth, weight, and influence of the people; so that, in point of fact, the power of the Crown, although *absolutely* greater, is *proportionally* less than it was at the commencement of the present reign; and

ought to be augmented, rather than diminished, if our object be to preserve the ancient balance of the constitution.

The first answer to this argument consists in denying the fact upon which it proceeds, at least in the sense in which it must be asserted, in order to afford any shadow of colour to the conclusion. There is, undoubtedly, far more wealth in the country than there was fifty years ago; but there is not more independence;—there are not more men whose incomes exceed what they conceive to be their necessary expenditure;—not nearly so many who consider themselves as nearly rich enough, and who would therefore look on themselves as without apology for doing anything against their duty or their opinions, for the sake of profit to themselves. On the contrary, it is notorious, and not to be disputed, that our luxury, and habits of expense, have increased considerably faster than the riches by which they were suggested—that men, in general, have now far less to spare than they had when their incomes were smaller—and that, if our condition may, in one sense, be said to be a condition of opulence, it is, still more indisputably, a condition of needy opulence. It is perfectly plain, however, that it is not the absolute amount of wealth which exists in a nation, that can ever contribute to render it politically independent of patronage, or intractable to the persuasive voice of a munificent and discerning ruler; but the general state of content and satisfaction which results from its wealth being proportioned to its occasions of expense. It neither is, accordingly, nor ever was, among the poor, but among the expensive and extravagant, that corruption looks for her surest and most profitable game; nor can her influence ever be anywhere so great, as in a country where almost all those to whom she will think it most important to address herself, are straitened for money, and eager for preferment—dissatisfied with their condition as to fortune—and, whatever may be the amount of their possessions, practically needy, and

impatient of their embarrassments. This is the case with the greater part even of those who actually possess the riches for which this country is so distinguished; but the effect of their prosperity has been, to draw a far greater proportion of the people within the sphere of ambition—to diffuse those habits of expense which gave corruption her chief hold and purchase, among multitudes who are spectators only of the splendour in which they cannot participate, and are infected with the cravings and aspirations of the objects of their envy, even before they come to be placed in the same circumstances. Such needy adventurers are constantly generated by the rapid progress of wealth and luxury; and are sure to seek and court that corruption which is obliged to seek and court, though with too great a probability of success, those whose condition they miscalculate, and labour to attain. Such a state of things, therefore, is far more favourable to the exercise of the corrupt influence of government, than a state of greater poverty and moderation; and the same limited means of seduction will go infinitely farther among a people in the one situation than in the other. The same temptations that were repelled by the simple poverty of Fabricius, would, in all probability, have bought half the golden satraps of the Persian monarch, or swayed the counsels of wealthy and venal Rome, in the splendid days of Catiline and Cæsar.

This, therefore, is the first answer, and it seems so complete as to supersede the necessity of any other, for the mere purpose of confutation. But the argument is founded upon so strange and so dangerous a misapprehension of the true state of the case, that it is necessary to unfold the whole fallacy upon which it proceeds, and to show what very opposite consequences are really to be drawn from the circumstances that have been so imperfectly conceived, or so perversely viewed, by those who contend for increasing the patronage of the sovereign as a balance to the increasing consequence of the people.

There is a foundation, in fact, for some part of this

proposition; but a foundation that has been strangely misunderstood by those who have sought to build upon it so revolting a conclusion. The people *has* increased in consequence, in power, and in political importance. Over all Europe they are everywhere growing too strong for their governments; and if these governments are to be preserved, *some* measures must be taken to accommodate them to this great change in the condition and interior structure of society. But this increase of consequence is not owing to their having grown richer; and still less is it to be provided against, by increasing the means of corruption in the hands of their rulers. This requires, and really deserves, a little more explanation.

All political societies may be considered as divided into three great classes or orders. In the *first* place, the governors, or those who are employed, or hope to be employed by the governors,—and who therefore either have, or expect to have, profit or advantage of some sort from the government. In the *second* place, those who are in opposition to the government, who feel the burdens and restraints which it imposes, are jealous of the honours and emoluments it enjoys or distributes, and grudge the expense and submission which it requires, under an apprehension, that the good it accomplishes is not worth so great a sacrifice. And, *thirdly* and finally, those who may be counted for nothing in all political arrangements—who are ignorant, indifferent, and quiescent—who submit to all things without either grumbling or satisfaction—and are contented to consider the existing institutions as a part of the natural order to which it is their duty to accommodate themselves.

In rude and early ages, this last division includes by far the greater part of the people: but, as society advances, and intellect begins to develop itself, a greater and a greater proportion is withdrawn from it, and joined to the two other divisions. These drafts, however, are not made indiscriminately, or in equal num-

bers to the two remaining orders; but tend to throw a preponderating weight, either into the scale of the government, or into that of its opponents, according to the character of that government, and the nature of the circumstances by which they have been roused from their neutrality. The diffusion of knowledge, the improvements of education, and the gradual descent and expansion of those maxims of individual or political wisdom that are successively established by reflection and experience, necessarily raise up more and more of the mass of the population from that state of brutish acquiescence and incurious ignorance in which they originally slumbered. They begin to feel their relation to the government under which they live; and, guided by these feelings, and the analogies of their private interests and affections, they begin to form, or to borrow, *opinions* upon the merit or demerit of the institutions and their administration, to the effects of which they are subjected; and to conceive *sentiments* either hostile or friendly to such institutions and administration. If the government be mild and equitable—if its undertakings are prosperous, its impositions easy, and its patronage impartial—the greater part of those who are thus successively awakened into a state of rational and political capacity, will be enrolled among its supporters, and strengthen it against the factious, ambitious, and disappointed persons, who alone will be found in opposition to it. But if, on the other hand, this disclosure of intellectual and political sensibility occur at a period when the government is capricious or oppressive—when its plans are disastrous—its exactions burdensome—its tone repulsive—and its distribution of favours most corrupt and unjust;—it will infallibly happen, that the greater part of those who are thus called into political existence, will take part against it, and be disposed to exert themselves for its correction, or utter subversion.

The last supposition is that which has been realized in the history of Europe for the last thirty years: and

when we say that the people has almost everywhere grown too strong for their rulers, we mean only to say, that, in that period, there has been a prodigious development in the understanding and intelligence of the great mass of the population; and that this makes them much less willing to submit to the folly and corruption of most of their ancient governments. The old instinctive feelings of loyalty and implicit obedience, have pretty generally given way to shrewd calculations as to their own interests, their own powers, and the rights which arise out of these powers. They see now, pretty quickly, both the weaknesses and the vices of their rulers; and, having learned to refer their own sufferings or privations, with considerable sagacity, to their blunders and injustice, they begin tacitly to inquire, what right they have to a sovereignty, of which they make so bad a use,—and how they would protect themselves, if all who hate and despise them were to unite to take it from them. Sentiments of this sort, we may be well assured, have been prevalent over all the enlightened parts of Europe for the last thirty years, and are every day gaining strength and popularity. Kings and nobles, and ministers and agents of government, are no longer looked upon with veneration and awe,—but rather with a mixture of contempt and jealousy. Their errors and vices are canvassed, among all ranks of persons, with extreme freedom and severity. The corruptions by which they seek to fortify themselves, are regarded with indignation and vindictive abhorrence; and the excuses, with which they palliate them, with disgust and derision. Their deceptions are almost universally seen through; and their incapacity detected and despised by an unprecedented proportion of the whole population which they govern.

It is in this sense, that the people throughout civilized Europe have grown too strong for their rulers; and that *some* alteration in the balance or administration of their governments, has become necessary for

their preservation. They have become too strong,—not in wealth, but in *intellect*, activity, and available numbers; and the tranquillity of their governments has been endangered, not from their want of pecuniary influence, but from their want of moral respectability and intellectual vigour.

Such is the true state of the evil; and the cure, according to the English opponents of reform, is to increase the patronage of the crown! The remote and original cause of the danger, is the improved intelligence, and more perfect intercourse of the people,—a cause which it is not lawful to wish removed, and which, at any rate, the proposed remedy has no tendency to remove. The immediate and proximate cause, is the corruption of the government; and the cure that is seriously recommended is to increase that corruption!—to add to the weight of the burdens under which the people is sinking,—and to multiply the examples of partiality, profusion, and profligacy, by which they are revolted!

An absurdity so extravagant, however, could not have suggested itself, even to the persons by whom it has been so triumphantly recommended, unless it had been palliated by some colour of plausibility; and their error (which really does not seem very unnatural for men of their description) seems to have consisted merely in supposing that *all* those who were discontented in the country, were disappointed candidates for place and profit; and that the whole clamour which had been raised against the misgovernment of the modern world, originated in a violent desire to participate in the emoluments of that misgovernment. Upon this supposition, it will immediately be seen, that their remedy was most judiciously devised.—All the discontent was among those who wanted to be bribed—all the clamour among those who were impatient for preferment. Increase the patronage of the Crown, therefore,—make more sinecures, more jobs, more nominal and real posts of emolument and honour,—and you will allay the dis-

content, and still the clamour, which are now "frighting our isle from her propriety!"

This, to be sure, is very plausible and ingenious—as well as highly creditable to the honour of the nation, and the moral *experience* of its contrivers. But the fact unfortunately is quite different. There are *two* sets of persons to be managed and appeased; and the misfortune is, that what would gratify the one, will only exasperate the discontents of the other. The one wants unmerited honours, and unearned emoluments—a further abuse of patronage—a more shameful misapplication of the means of the nation. The other wants a correction of abuses—an abridgment of patronage—a diminution of the public burdens—a more just distribution of trusts, dignities, and rewards. This last party is by far the strongest and the most formidable; for it is daily recruited out of the mass of the population, over which reason is daily extending her dominion; and depends, for its ultimate success, upon nothing less than the irresistible progress of intelligence—of a true and enlightened sense of interest—and a feeling of inherent right united to undoubted power. It is difficult, then, to doubt of its ultimate triumph; and it must appear to be infinitely foolish to think of opposing its progress, by measures which are directly calculated to add to its strength. By increasing the patronage or influence of the Crown, a few more venal spirits may be attracted, by the precarious tie of a dishonest interest, to withstand all attempts at reform, and to clamour in behalf of all existing practices and institutions. But, for every worthless auxiliary that is thus recruited to the services of established abuses, is it not evident that there will be a thousand new enemies called forth by the additional abuse exemplified in the new patronage that is created, and the new scene of corruption that is exhibited, in exchanging this patronage for this dishonourable support?—For a nation to endeavour to strengthen itself against the attempts of reformers by a deliberate augmentation of its corrup-

tions, is not more politic, than for a spendthrift to think of relieving himself of his debts by borrowing at usurious interest to pay what is demanded, and thus increasing the burden which he affects to be throwing off.

The only formidable discontent, in short, that now subsists in the country, is that of those who are *reasonably discontented;* and the only part of the people whose growing strength really looks menacingly on the government, is the body of those who have been alienated by its corruptions, and enabled, by their own improving intelligence, to unmask its deceptions, and to discover the secret of its selfishness and incapacity. The great object of their jealousy is the enormous influence of the Crown, and the monstrous abuses of patronage to which that influence gives occasion. It is, therefore, of all infatuations the wildest to hold out that the progress of this discontent makes it proper to give the Crown more influence, and that it can only be effectually conciliated, by putting more patronage in the way of abuse.

In stating the evils and dangers of corruption and profligacy in a government, we must always keep it in view, that such a system can never be *universally* palatable, even among the basest and most depraved people of which history has preserved any memorial. If this were otherwise indeed—if a whole nation were utterly venal and corrupt, and every one willing to wait his time of dishonourable promotion, things might go on with sufficient smoothness at least; and as such a nation would not be worth mending, on the one hand, so there would, in fact, be much less need, on the other, for that untoward operation. The supposition, however, is obviously impossible; and, in such a country at least as England, it may perhaps be truly stated, as the most alarming consequence of corruption, that, if allowed to go on without any effectual check, it will infallibly generate such a spirit of discontent, as necessarily to bring on some dreadful convulsion, and overturn the very foundations of the constitution. It is

thus fraught with a *double* evil to a country enjoying a free government. In the first place, it gradually corrodes and destroys almost all that is free or valuable in its constitution; and, secondly, it insures its ultimate subversion by the tremendous crash of an insurrection or revolution. It first makes the government oppressive and intolerable; and then oversets it altogether by a necessary, but dreadful calamity.

These two evils may appear as if opposite to each other; and it is certain, that, though brought on by the same course of conduct, they cannot be inflicted by the same set of persons. Those who are the slaves and the ministers of corruption, cannot be those who crush it, with a visiting vengeance, under the ruins of the social order; and it is in forgetting that there are two sets of persons to be conciliated in all such questions, that the portentous fallacy which we are considering mainly consists. The government may be very corrupt, and a very considerable part of the nation may be debased and venal, while there is still spirit and virtue enough left, when the measure of provocation is full, to inflict a signal and sanguinary vengeance, and utterly to overthrow the fabric which has been defiled by this traffic of iniquity. And there may be great spirit, and strength, and capacity of heroic resentment in a nation which will yet allow its institutions to be perverted, its legislature to be polluted, and the leading part of its population to be corrupted, before it be roused to that desperate effort, in which its peace and happiness are sure to suffer along with the guilt which brings down the thunder. In such an age of the world as the present, however, it may be looked upon as absolutely certain, that if the guilt be persisted in, the vengeance will follow; and that all *reasonable* discontent will accumulate and gain strength, as reason and experience advance; till, at the last, it works its own reparation, and sweeps the offence from the earth with the force and the fury of a whirlwind.

In such a view of the moral destiny of nations, there is something elevating as well as terrible. Yet, the terror preponderates, for those who are to witness the catastrophe; and all reason, as well as all humanity, urges us to use every effort to avoid the crisis and the shock, by a timely reformation, and an earnest and sincere attempt to conciliate the hostile elements of our society, by mutual concession and indulgence.—It is for this reason, chiefly, that we feel such extreme solicitude for a legislative reform of our system of representation,—in some degree as a pledge of the willingness of the government to admit of reform where it is requisite; but chiefly, no doubt, as in itself most likely to stay the flood of venality and corruption,—to reclaim a part of those who had begun to yield to its seductions,—and to reconcile those to the government and constitution of their country, who had begun to look upon it with a mingled feeling of contempt, hostility, and despair. That such a reform as is contemplated, in the earlier part of these observations, would go far to produce those happy effects, must appear evident to all who agree as to the nature and origin of the evils from which we now suffer. One of its chief advantages, however, will consist in its relieving and abating the spirit of discontent which the spectacle of our present corruptions generates, both by giving it scope and vent, and by the vast facilities it must afford to the labours of regeneration. By the extension of the elective franchise, many of those who are most hostile to the existing system, because, under it, they are excluded from all share of power or political importance, will have a part assigned them, both more safe and more active, than murmuring or meditating vengeance against such a scheme of exclusion. The influence of such men will be usefully exerted in exciting a popular spirit, and in exposing the base and dishonest practices that may still interfere with the freedom of election. By some alteration in the borough qualifications, the body of electors in general will be

invested with a more respectable character, and feel a greater jealousy of everything that may tend to degrade or dishonour them. But above all, the exclusion of a great body of placemen from the legislature, by cutting off a great part of the minister's most profitable harvest of corruption, will force his party also, to have recourse to more honourable means of gaining popularity, and to appeal to principles that must ultimately promote the cause of independence.

By the introduction, in short, of a moderate and cautious system of reform, a wholesome and legitimate play will be given to those principles of opposition to corruption, monopoly and abuse, which, by the denial of all reform, are in danger of being fomented into a decided spirit, of hostility to the government and the institutions of the country. Instead of brooding, in sullen and helpless silence, over the vices and errors which are ripening into intolerable evil, and seeing, with a stern and vindictive joy, wrong accumulated on wrong, and corruption heaped upon corruption, it will be continually interfering, with active and successful zeal, to correct, restrain, and deter. Instead of being the avenger of our liberties, it will be their living protector; and the censor, not the executioner, of the constitution. It will not descend, only at long intervals, like the Avatar of the Indian mythology, to expiate, with terrible vengeance, a long series of consummate crimes; but like the Providence of a better faith, will keep watch perpetually over the actions of corrigible men; and bring them back from their aberrations, by merciful chastisement, timely admonition, and the blessed experience of purer principles of action.*

* Date of this Dissertation, 1811 and 1812.

RIGHT OF SEARCH.

It is evident, that the right to search a foreign vessel for deserters is of the very same nature, and governed by the same rules, with the right to search a neutral vessel for contraband goods. You have a right to search for those goods, only because you are injured by their being on board the vessel which trades with your enemy;—you have a right to search for your own runaway seamen who take shelter in the vessel, because you are injured by their being enabled to escape from you. If a neutral carries contraband goods, such as armed men (which indeed treaties frequently specify in the list), to your enemy, he takes part against you; and your remedy—your means of checking his underhand hostility—is to stop his voyage, after ascertaining the unfair object of it. If the same neutral gives shelter to your seamen, he takes part with your enemy; or if you happen not to be at war, still he injures you, and your remedy in either case is to recover the property, after ascertaining that he has it on board. In both instances, the offence is the same—the foreign vessel has on board what she ought not to have, consistently with your rights. You are therefore entitled, say the jurists, to redress; and a detection of the injury cannot be obtained without previous search.

If the foreign vessel is a ship of war, such conduct is a direct injury, committed by the government of one nation against another nation. For if an American frigate either carries troops or other contraband to

France, or carries away deserters from an English man-of-war, and refuses to give them up when claimed; and if the American government avows the proceeding of its ship, then is that government acting an hostile part towards England, who has, in consequence, a right to seek redress,—namely, by going to war. For all such proceedings, therefore, on the part of the foreign government, there is this proper and sufficient remedy. But if the offending vessel belong not to the foreign government, but to a private trader, the case is different. For no power can exercise such an effective control over the actions of each of its subjects, as to prevent them from yielding to the temptations of gain, at a distance from its territory. No power can therefore be effectually responsible for the conduct of all its subjects on the high seas; and it has been found more convenient to intrust the party injured by such aggressions with the power of checking them. This arrangement seems beneficial to all parties; for it answers the chief end of the law of nations,—checking injustice without the necessity of war. Endless hostilities would result from any other arrangement. If a government were to be made responsible for each act of its subjects, and a negotiation were to ensue every time that a suspected neutral merchantman entered the enemy's port, either there must be a speedy end put to neutrality, or the affairs of the belligerent and neutral must both stand still. If the suspected vessel is a ship of war, no such inconvenience can follow from seeking redress by negotiation merely. A neutral has very few ships of war; if she has many, this is a circumstance of evidence against her, and a good ground of complaint. Not only is this remedy easy and safe to all parties, but it is the only remedy which is not exceedingly liable to abuse, and full of danger to the public peace of nations. No serious consequences are likely to arise from allowing men of war to search merchant ships; more especially if the right

is confined to vessels of the state, and withheld from privateers. Nothing but hostility can result from allowing one ship of war to search another ship of war; because, if a national spirit is anywhere to be found, it is on board of such vessels. Moreover, the injury done to a private trader by searching is insignificant, compared with the benefit secured to both nations by such a practice. But the injury done to a ship of war by searching, is both much greater in itself, from the insult to the honour of the crew, and bears a much greater proportion to any good which can be supposed to result from the practice, even on the highest estimate, because there are very few such vessels to search.

For these, or similar reasons, the right of searching private ships has been acknowledged by the law of nations; but no such right has ever been admitted by that law with respect to ships of war. The following details not only prove this point, but positively demonstrate, that the claim alluded to is repugnant to the law of nations.

The right of searching merchant ships has never been denied, except by a few very speculative men. But such a modification of it has been more than once proposed by different powers, as would almost have amounted to its extinction. In 1780 and in 1801, it was maintained that the presence of a ship of war protected from all search a fleet of merchantmen under its convoy. This position was founded upon the inviolability of the national flag, and upon the pledge of fair dealing on the part of the merchantmen, which the presence of the convoying ship, and the word of its commander afforded. This pretension of the neutral powers was carefully examined, chiefly by English civilians, who were unanimous against it, and displayed great learning in refuting it. They reasoned both on the general consequences of extending to merchantmen the protection of the convoying flag, and from the

authority of the writers on public law. Not one of their general reasonings even alludes to any right of searching the convoy ship itself, although an argument of this nature would have cut the whole question short. Not one of their authorities makes any mention of such a kind of search, although a quotation of this nature would have been the best authority against the pretensions of the armed neutrality, at a time, too, when our jurists were in no small degree pressed for authorities, even to make out the right of searching ships under convoy.*—See Sir W. Scott's *Judgment in the Case of the Swedish Convoy*—Dr. Croke's *Remarks on Mr. Schlegel's Work*—*Letters of Sulpicius*—Lord Grenville's *Speech on the Russian Treaty* (Nov. 1801) —*Vindication of the Russian Treaty.*

The treaty with Russia very properly refused to acknowledge the pretensions of the armed neutrality. If there is any truth in the reasons stated for searching merchantmen not convoyed, it must be admitted, that the presence of the convoy ship, so far from being a sufficient pledge of their innocence, is rather a circumstance of suspicion. If a neutral nation fits out many ships of war, and escorts all its trading vessels with them, we have a right to conclude that she is deviating from her neutrality. If her trade has been exposed to injuries, redress might have been sought by negotiation; and certainly it would be incumbent on her to show, in the course of this negotiation, either that the old rule had been abused, or that some new one should be substituted in its place. The presence of the convoy gives scarcely any better security to the belligerent, than the mere existence of the general law against contraband, while it exposes the neutrality of the parties to

* It may further be remarked, that, in the course of the discussions arising from the armed neutrality, several authorities were produced (certainly not very eminent ones), even in favour of the neutral pretension; but no one was found expressly against it. So little do the writers on this subject afford countenance to the doctrine of a still more extended right of search.

new risks of being destroyed. The article in the Russian Treaty, which reserves the right of search, prescribes a visit to the convoy ship; but this is a concession to the neutral, to preclude, except in certain cases, any further search. In this visit, the papers relating to the merchant ships are the only subjects of inquiry. — (See *Russian Treaty*, June, 1801, Art. 4.)

If we examine the authorities themselves, we shall find reason to be satisfied, that the learned persons who maintained the argument for the belligerents, were guilty of no oversight in omitting to support their positions by asserting the right *now* claimed.

Wherever the right of search is mentioned, either by writers on the law of nations, or in treaties, *merchant ships* are expressly specified. For the most part, this description is repeated every time the thing is mentioned; but it is always given so often, as to leave no doubt whatever, that it is understood, where by accident, or for the sake of brevity, it may have been omitted; or this is rendered equally clear, by the mention of *owners*, *subjects*, &c.—See *Consolato del Mare*, cap. 273.—*Treaty of Whitehall*, 1661, Art. 12. —*Treaty of Copenhagen*, 1670, Art. 20.—*Treaty of Breda*, 1667, Art. 19.—*Treaty of Utrecht*, 1713, Art. 24; *of Commerce with France*, 1786, Art. 26, *et seqq.*—*Treaty with America*, 1795, Art. 17, 18, 19; and all others, where the right of search is mentioned. *Vattell*, liv. 3, chap. 7, § 113, 114.—Martens, *Essai concernant les armateurs*, c. 2, § 20.—Hubner, *de la saisie des Batiments Neutres*, vol. i., part 1, chap. 8, § 7. —Whitelock's *Mem.*, p. 634.—*Molloy de Jure Mar.*, book i., chap. 5.

The pretension of visiting ships of war, has never been brought forward, except accidentally in the two cases which shall presently be mentioned; and in these it was given up, before time had been allowed for discussing the subject. This is the reason why no direct

authority can be found upon the point in writers on the law of nations, and no stipulation respecting it in treaties. But all the general principles which are recognized, both by authors and negotiators, most uniformly and positively exclude such a pretension.

It is unnecessary to prove, that the *territory* of an independent state is inviolable, and that no other state has a right to enter it without permission. Vattell lays down this principle as follows:—"Non seulement on ne doit point usurper le territoire d'autrui, il faut encore le respecter et s'abstenir de tout acte contraire aux droits du souverain; car *une nation etrangere ne peut s'y attribuer aucun droit.*"—"On ne peut donc (he infers), sans faire injure à l'etat entrer à main armée dans son territoire pour y poursuivre un coupable et l'enlever."—Liv. ii., chap. 7, § 93; see also § 64 and 79. All other writers, without exception, agree in this; and it is a common stipulation in treaties of peace,—not that one party shall refrain from pursuing criminals into the territories of the other, for this would be superfluous,—nor that one party shall have the right to pursue criminals in the other's territory, for this never was granted in any one instance,—but that the parties shall themselves mutually give up the persons of certain criminals who may take refuge in their territories; both the contracting parties thereby admitting, that the state from which the criminal escapes has no other means whatever of recovering him, and that he is under the power of the state alone into whose territory he has fled.

That the same principle of inviolability applies fully to the ships of a nation, and that these floating citadels are as much a part of the territory as if they were castles on the dry land, is another position equally incontestable. In what particular, at all essential to the argument, do those vessels differ from forts? They are the public property; held by men in the public service, and under martial law. Moreover, the supreme

power of the state resides in them; the sovereign is represented in them, and everything done by them is done in his name. Accordingly, we find that those vessels of war are held by writers on public law to carry with them an extension of the territorial rights of the state. Vattell says expressly, that the territory of a nation comprehends every part of its just and lawful possessions; and he adds, "Et par ses possessions il ne faut pas seulement entendre ses terres, mais tous les droits dont elle jouit." (II., 7, § 80.) In another part of his work, indeed, speaking of the *status* of children born at sea, he lays it down, that if they are born in a vessel belonging to any country, "ils peuvent être reputés nés dans le territoire; car il est naturel de considerer les vaisseux de la nation comme des portions de son territoire, surtout quand ils voguent sur une mer libre, puisque l'etat conserve sa jurisdiction dans ces vaisseaux." (Liv. i., chap. 19, § 216.) But, if this means anything more, in so far as it applies to merchant ships, than that they are parts of the territory of the country, to the effect of rendering the children born on board natives of the country, it is inconsistent with the admission made by Vattell in another chapter, that merchant ships may be searched,—unless, indeed, we are to admit, that although those vessels are parts of the territory, yet the general convenience of nations has established the right of violating them, for the reasons formerly stated. Vattell further lays it down, that children born in the army, or at the residence of an ambassador, are in the same predicament; "car un citoyen absent pour le service de l'etat, et qui demeure dans sa dependance et sous sa jurisdiction, ne peut être consideré comme etant sorti du territoire."—Ibid, § 217.

But the authority of Grotius is, in every respect, better entitled to regard than that of the above-mentioned writer, whom, indeed, we have only quoted, because it is the custom to appeal to him on all

occasions,* and because he is exceedingly favourable to the claims of belligerents. Grotius lays it clearly down, that sovereignty over a portion of the sea (*imperium in maris portionem*) may be acquired, like other sovereignties, in two ways—"ratione personarum, et ratione territorii; ratione personarum, *ut si classis, qui maritimus est exercitus*, aliquo in loco maris se habeat; ratione territorii, quatenus ex terra cogi possunt qui in proxima maris parte versantur, nec minus quam si in ipsâ terrâ reperirentur."—*De Jur. Bel., et Pac.*, lib. ii., cap. 3, § 13.) Here, then, we find, that the sea upon which a ship of war lies, is as much under the dominion, and part of the territory of the nation to which that ship belongs, as the sea under the guns of one of its forts, or within gunshot of its shores. "The vessel," says Grotius, "occupies the sea for its sovereign, in the same manner as an army does the land on which it encamps." If an Austrian army is marching through Prussian Poland to attack the French, and a Russian army encamps near it, on its march towards Turkey; should we not reckon it an act of direct hostility, were a detachment of the former to enter the camp of the latter forcibly, in order to

* Vattell belongs to a class of writers who having had the good fortune to fill, as it were, a blank in literature, by furnishing a work that was wanted, and doing it respectably, though not very ably, enjoy a reputation very far above their merits. A popular treatise on the Law of Nations was wanted by those who were unable to study the great writers, as Grotius or Puffendorf, or were unwilling to undertake that labour. Vattell furnished them with a work neither at all profound, nor particularly well arranged, nor remarkable for accuracy; and the convenience of having this help has not only given it a large circulation, but considerable authority. The treatise is just well enough executed to have prevented others of greater depth and correctness being undertaken. Even if Grotius and Puffendorf were not resorted to, Burlamaqui's more popular view of the subject, is much more learned and more trustworthy than Vattell's, which is really more the production of a literary man than a lawyer—and with all the advantages which he had from that work, as well as from Barbeyrac and other commentators on Grotius, it might have been expected that a much better book should have been produced. His countryman, Delolme's *Account of the English Constitution*, is not much more superficial than Vattell's Treatise *Of the Law of Nations*.

search it for deserters? An English and American ship of war meeting on the sea, which is common to both, are exactly in this relative situation. *Classis maritimus est exercitus*—says Grotius. If the presence of the ship of war converts the neighbouring sea into national territory, much more is the ship itself to be viewed in that light.

There are several analogical cases in the law of nations, which add great weight to this doctrine, as applied to the inviolability of ships of war. It may be enough to mention the rights of ambassadors. The inviolability of their houses and persons has long been admitted in its fullest extent by all jurists, and by the practice of all civilized nations without exception. They cannot be arrested for crimes; nor can they, or their suite, be affected either in their persons or goods, for debts. They are not held to be within the jurisdiction of the country in which they reside; and all attempts to touch them, even by the modes which the law of the land prescribes, are offences against the law of nations. —Vattell, liv. iv., chap. 7, 8; Grotius, *De Jur. Bel. et Pac.*, xviii., 4, 4. See too the English stat. 7 Anne, c. 12, which is only *declaratory* of the law of nations.— Now, there is no one reason for the inviolability of ambassadors, which does not apply to national ships. Whether we deduce that inviolability from respect due to the representative of a sovereign,—from the presumption that the sovereign never intended to submit his minister to a foreign jurisdiction,—from the necessity of entire independence to the transaction of the business committed to him,—or from the risk in which a contrary doctrine would involve the mutual good understanding of nations; it is clear, that all these topics apply to the case of ships of war, and several of them with much greater force.

A consequence, of peculiar absurdity, and repugnant to every principle which jurists have laid down, would follow from admitting the right of nations to search

each other's ships. If the search of a neutral vessel leads to the discovery of contraband; or, if it is resisted, when it is the right of the belligerent vessel,—then the former is detained, and brought into port for condemnation. But can it be maintained that a court of admiralty is to sit in judgment upon the mutual claims of sovereign states? The captor, indeed, may acknowledge its jurisdiction; but can a foreign and independent sovereign be required to do so? All jurists agree that there is no human court in which the disputes of nations can be tried; that every power is the sole judge of its own cause; and that, if aggrieved, it has but one remedy, viz., war. To prove this by quotations, would be endless.—In the case of private ships, the law of nations is explicit. The prize courts of the captor's country judge, according to that law, the questions which arise between the parties; and it is a usual thing to declare, by express stipulation, that this jurisdiction shall be exercised. (See *Treaty of Paris*, 1763, Art. 16, and of Versailles, 1783, Art. 21, and *Treaty of Com.*, 1786, Art. 32, 33, 34, & 35.) But no treaty ever alluded to such a jurisdiction over ships of war detained and brought into port. In the case of private ships, the jurisdiction thus constituted by the law of nations, and recognized by treaties, is an arrangement generally convenient, and called for by the right of search, upon which it is a necessary check. The total silence of all authorities and treaties respecting such a jurisdiction in the case of national ships, and its direct repugnance to the general principles laid down, without any such exception, by all writers, is the clearest proof, that the right of search and detention is equally inapplicable to the case of national ships. If this right existed by the law of nations, the only conceivable mode of legally controlling its exercise would not be so entirely repugnant to the principles of that law.

But some thoughtless persons have maintained, that

Great Britain has a right to search ships of war, in virtue of her naval supremacy; and they have attempted to connect this pretension with the old claim of a sovereignty over the sea. We shall therefore briefly advert to that question.

The doctrine, that the sea may be appropriated by a people beyond the portion of it immediately adjoining to their territory, and commanded by that territory, has been denied by the bulk of authorities on the principles of the law of nations. Grotius scarcely admits more than the possibility of appropriating the waters immediately contiguous; though he adduces a number of quotations from ancient authors (after his usual manner) which show only, that such an idea, at some time, had entered somebody's head,—the common defect of his mode of treating a subject. For example, he quotes the passage where Virgil says of the Romans, "Qui mare, qui terras omni ditione tenerent," and the complimentary verses of Oppian to the emperor, telling him that "the sea rolled under his laws." (*De Jur. Bel. et Pac.*, ii., 3, § 8—13.) But he never dreamt of anything more than a limited portion being claimed; and he uniformly speaks of "*pars*, or *portio*, maris,"—always confining his view to the effects of the neighbouring land in giving a sovereignty of this sort. Puffendorf lays it down, that in a narrow sea, this dominion belongs to the sovereigns of the surrounding land, and regulates the distribution of it, where there are several such sovereigns, by the same rules which are applicable to neighbouring proprietors on a lake or river, supposing that no compact has been made in favour of one by the rest, as is pretended, he says, by Great Britain. But he expresses himself with a sort of indignation at the idea, that the main ocean can ever be appropriated. "Nullus probabilis prætextus," he says, "adferri potest, quare unus aliquis populus in totum oceanum dominium velit prætendere, cum hoc effectû ut cæteros omnes a navigatione ejusdem velit

arcere." The whole passage is very eloquent, as well as judicious and satisfactory. (*De Jur. Nat. et Gent.*, lib. iv., cap. 5, § 7.) Selden devotes the first book of his celebrated treatise, to the proposition, that the sea may be made property; which he attempts to show, by collecting a multitude of quotations from ancient authors, in the style of Grotius, but with much less selection. For example, he quotes Julius Firmicus, who says, in his astrological work, "that persons having, in the schemes of their nativity, the moon increasing in the 30th degree of Taurus, fortified with a friendly aspect of Jupiter, shall possess the dominion of sea and land whithersoever they lead an army." (*De Mari Clauso*, b. i., c. 14. He nowhere grapples with the arguments by which such a vague and extensive dominion is satisfactorily shown to be repugnant to the law of nations. And in the second part, which is indeed the main object of his work, he has recourse only to proofs of usage and of positive compact, in order to show that Great Britain has the sovereignty of what are called *the narrow seas.* In this part of his argument, he is more successful, and has had more followers. In truth, it does appear, that from her great maritime superiority over all neighbouring nations, Great Britain, from very remote ages, enjoyed a pre-eminence upon the seas surrounding her territory to a considerable distance; and this was naturally increased by her extensive possessions on the opposite shores. The most important documents brought to prove this, are the *Ordinance al Hastings* in the 2d of King John, and the Record of the dispute between Richard I. and Philip the Fair, in which deputies from several maritime states, themselves parties in the discussion, took the part of England, and admitted her claim.*—(Selden,

* England and the other states were neutral in the war between France and Flanders which then subsisted, and which gave rise to the claims of all those states, except England. No decision was given by the arbiters who were named on both sides.

b. ii., and *Molloy de Jur. Mar.*, b. i., c. 5.) The claim comprehended, at the utmost extent in which England ever stated it, the sea from Cape Finisterre to Cape Stat in Norway. France never subscribed to it. When Holland, at the beginning of Cromwell's protectorate, denied it for the first time, she was repeatedly defeated in the war which ensued, and was effectually humbled. The treaty of 1654, by a declaratory clause, fixed the utmost amount of this claim which Holland could be induced to admit. No mention is made of sovereignty even of the British sea, although Cromwell proposed that this should be generally stated; but the ceremony of striking the ensign, and lowering the topsail, is stipulated on the part of "all Dutch ships of war, and others, which shall meet any British ship of war *in the British seas*—eo modo quo ullis retro temporibus sub quocumque anteriore regimine* unquam observatum fuit."—(*Treaty of Peace and Alliance*, 1654, Art. 13. The same article was, from this treaty, copied into the *Treaty of Whitehall*, 1662, Art. 10; and the *Treaty of Breda*, 1667, Art. 19.

When Charles II. being resolved to make war on the States-General, in 1671, sought for pretexts, and had recourse to some of the most groundless complaints,—as that a Dutch fleet of war, on the Dutch coast, had refused to strike to an English yacht (which had been sent for the purpose of creating the dispute),—no further claim was ever thought of than this absurd interpretation of the right of salute. The Treaty of Westminster, which put an end to that war, merely stipulated the honours of the flag in terms of the former treaties.—(*Treaty of Westm.*, 1674, Art. 6.) The Treaty of Marine, concluded at London the same year, determined that *the British seas* extended "from Cape Finisterre, to the land Van Staten in Norway." (Art. 4.)

* This refers to the pretext on which the Dutch had refused the honour of the flag, viz., that the salute was a compliment to the king, and not due to the commonwealth.

These, with the intermediate treaties of 1678 (Defensive), 1689 (of Concert), and 1701 (of Alliance), as well as the treaties of Breda, 1667, and the Commercial Treaty of 1668 (by which England first admitted to Holland the principle of "free ships, free goods," and *vice versa*, Arts. 9—11), were all renewed by the treaty 1703, and formed the terms upon which the alliance between England and Holland subsisted, until the latter part of the American war. The treaty of Paris between England and Holland in 1784, contains a renewal of the stipulation respecting the flag, though in more general terms, placing this point "upon the same footing on which it stood before the war." (Art. 2.) The Treaty of Amiens, 1802, contains no general renewal of former treaties, and no stipulation whatever touching the honours of the flag.

It is therefore manifest, that, in so far as the intercourse between England and Holland contains the evidences of this right of sovereignty over the sea, the following points are proved: That the *British seas* never extended beyond Cape Finisterre on the one hand, and Cape Stat on the other; that the claim never extended beyond the British seas; that it was admitted by the Dutch to have been well founded originally, and not to have been constituted by the treaty 1654; that it has never extended to any other right than that of the salute; and that even this right of salute was abandoned in 1802.

Some writers pretend, that the salute is only one consequence, or more properly an acknowledgment, of a general sovereignty; and enumerate other rights,—as of fishing, imposing customs on the navigation and fishing of foreign nations, and prescribing laws to the navigation of nations living on the banks of the British sea. But the only instances of such rights ever being exercised, are very ancient, if not doubtful; if we except a tradition of Queen Elizabeth having prevented the French from building above a certain number of

ships of war,—which is rather to be viewed as an exercise of power by means of threats, than an exercise of right. (*Molloy de Jur. Mar.*, i., 5.) At any rate, all such pretensions have long been given up. As far back as 1604, the proclamation of James I. shows that the jurisdiction anciently claimed, was now confined to those bays called the *King's Chambers, i. e.*, portions of the sea cut off by lines drawn from one promontory to another of our own island. (*Selden*, ii., 22.) The claim of salute itself, never was admitted by France; and Vattell expressly lays it down, that this is sufficient to disprove the existence of the right (Liv. i., c. 23, § 289.) If the admission of it by other nations proves anything, we must allow that the Venetians had the same right in the Adriatic, the French in the Mediterranean, and the Danes in the North Sea. The first has been repeatedly acknowledged both by the Turks, the Neapolitans, and the Spaniards. The honours of the flag were expressly admitted to France in the Mediterranean, by the Dutch, in the Offensive and Defensive Treaty of 1635. And Selden himself proves that Denmark has always possessed the sovereignty of the North Sea, Britain having only what the Civilians call a *servitude* on it. (II., 22.) It is unnecessary to add, that our right never was acknowledged by America, although we have had two treaties with her; and that, in whatever way either question may be decided, no two points can be more foreign to each other, than the right of search now claimed, and the ancient claim of naval supremacy.

We have said above, that there are only two instances, of the idea of searching ships of war having been entertained; and, in only one of these, was the claim formally made. The history of both these cases, affords the strongest confirmation of the doctrine here contended for.

The war of 1652, was the first rupture which had taken place between England and Holland, since the

foundation of the republic. It arose entirely from maritime rivalship; and a refusal of the honours of the flag, was even the avowed justification of the first hostilities on the part of England. The Dutch were defeated in many great naval engagements; their fisheries were interrupted, their commerce nearly ruined, and they were willing to have peace on almost any terms. England demanded, in the 15th article of a treaty proposed to the States in 1653, that the salute of the flag should be stipulated, from all vessels, both "of war and others, in the British seas, and that all vessels should likewise submit to be visited, if thereto required." The former stipulation was acceded to, and made part of the treaty concluded in 1654, (Art. 15.); the latter was peremptorily refused. No article respecting search was inserted; and in the subsequent Treaty of Commerce of London, 1674, the reciprocal right of search for contraband was stipulated, but confined to merchant ships. (Art. 5.) All that Cromwell could think of asking, then, after beating the Dutch to nearly entire submission, was a right to visit ships of war in the British seas. But, beaten as they were, the Dutch could not be brought to admit so monstrous a claim;—it was immediately given up, and never afterwards renewed.

Soon after the peace of 1654, a Dutch man-of-war, convoying a fleet of merchant ships, was met by an English man of war in the Downs. The English searched the merchantmen; and the affair was discussed by the States under two heads,—the search of ships of war,—and the search of merchantmen; the former question appearing to have been suggested by the latter, and by the presence of the Dutch man-of-war. The result of their deliberations, was a resolution, that "the refusal to let merchantmen be searched could not be persisted in;" but, respecting the other point, they came to the following determination:—"That, in conformity with their High Mightinesses'

instructions, taken in respect to the searching of ships of war, and especially those of Sept., 1627, Nov., 1648, and Nov., 1649, it is thought good, and resolved, that all captains, and other sea-officers, that are in the service of this state, or cruising on commission, shall be *anew* strictly commanded, told, and charged, that they shall not condescend to no commands of any foreigners at sea, much less obey the same; neither shall they anyways permit that they be searched; nor deliver, nor suffer to be taken out of their ships, any *people* or other things." Punishments are then threatened to such officers as yield on this point; but they are desired to give the customary salute to English men of war, according to treaty. (Thurloe. ii., 503.) So peremptory a determination on the part of a nation but just escaped from the evils of a very ruinous and unequal war, is a sufficient proof of the light in which the point at issue was viewed. It deserves the more attention, when we consider that this had been one of the points argued in negotiating the treaty of peace; and proves that the Dutch were as much resolved to resist any silent encroachment upon their rights, while in a state of alliance with their powerful neighbours, as they had been to prevent an open attack upon them at the formation of the treaty. Since that time, the subject has never been broached,—England having completely acquiesced, even while most zealous for her maritime rights in the narrow seas, and most successful in maintaining them.

It appears most evidently, then, that all the general principles upon which the mutual rights of nations are founded, are repugnant to the pretension of searching ships of war; that all authors, even those who maintain the right of search most largely, confine their positions to the case of merchant ships; that all the various treaties which stipulate the visitation of ships, allude to merchant ships exclusively; that though from the entire novelty of the pretension, no express opinion of

jurists, or stipulation of treaties, can be found upon the point, yet, a variety of principles leading directly to the denial of the claim, are laid down by all jurists without exception, and uniformly recognized in the intercourse of civilized states; that no one principle can be found upon which to ground the claim, and, more particularly, that the old pretensions of Great Britain regarding the narrow seas, are quite foreign to the question; and that, in the only instance in which England ever attempted to advance the claim, she confined it to the narrow seas—tried to obtain the acknowledgment solely by positive stipulation—failed completely, although placed in circumstances peculiarly favourable to the attempt—and has never since, during a century and a-half, renewed it. So that it would be difficult to conceive a pretension, against which the whole law of nations, as well as their practice, is more clearly and strongly opposed.

Now, the practice of searching ships of war for deserters, is one from which scarcely the smallest benefit could be derived, if exercised with the most unsparing vigilance. If the two or three ships of war in the American service were wholly manned with British deserters, we might lose a few hundred seamen. But even this is not a necessary loss; for an application to the Government of the United States would certainly procure a regulation among their officers for enforcing the surrender of the greater part of the deserters; and the difference of the number of men lost in spite of such regulations, and the number lost in spite of our own actual search, would amount to a mere trifle—certainly not to anything like fifty men in a year. It must therefore be regarded as exceedingly fortunate for this country, that the claim of searching is found to be utterly untenable. Had it been sanctioned by the law of nations, there would have been some reason for maintaining it, even at a considerable risk. It would have been a national right, of an invidious

nature towards a friendly power—of no sort of intrinsic value—the abandonment of which might look like giving up a point of honour—the exercise of which was worth nothing—and the assertion of which might lead to war. It should be matter of congratulation, that so useless a pretension is found to be an unjust one. To waive it, can no longer be injurious to our dignity; to stickle for it, can alone hurt our honour; and one barren, unprofitable ground of dissension is thus removed from between two nations, mutually interested in remaining always friends.

We now come to the right claimed, of searching private vessels for deserters. Some of the principles which were incidentally explained in discussing the first point, seem sufficient for the decision of this also. It was proved that a merchant ship is, in every respect, differently situated from a ship of war; and that no reason can be offered why it should not be subject to visitation, if suspected of carrying contraband. If a government pretends to be responsible for the conduct of each individual trader within its territory, we know that it is engaging to fulfil an impossible condition; and we are entitled to conclude, that it means to mock, or to deceive us. The method of searching seems the only way of preventing or detecting the unfair dealings of neutral merchants. When confined to national ships,* it unites a degree of security to the rights of the belligerent, with an attention to the convenience of the neutral, which no other contrivance could possibly secure. Now, there seems to be no good reason for excepting the case of deserters from this right. If the crew belonging to an English man-of-war escape on board of American merchantmen, it is difficult to discover why they should not be pursued there, and brought back by their lawful commanders. It is pre-

* This was done in the Russian treaty 1801; and Lord Grenville expressed his approbation in his celebrated speech upon that occasion.

posterous to call each merchant ship a portion of the territory of the state, because the jurisdiction of the state extends to the persons on board of it. The same jurisdiction extends to the subjects of the state, though, by any accident, they should be swimming at a distance from the vessel. An Englishman who should commit murder in this situation on the high seas, would be tried by the Admiralty sessions; and yet he was on no part of the English territory. An English vessel, too, in a foreign port, is held to be foreign territory. If, then, deserters are pursued into a merchant ship on the high seas, they are only pursued on cómmon ground; and no violation of territory takes place, any more than if they were picked up swimming at sea in their attempt to escape.

We have already shown, that all the reasons derived from mutual convenience, are in favour of giving the belligerents the remedy of search for contraband in neutral merchant vessels. The same reasons apply almost as clearly to a search for deserters. There is only one circumstance, indeed, which can be supposed to distinguish the two cases. It is not so easy to determine which of the crew visited are deserters, and to seize them alone, as it is to determine that there are contraband goods, or hostile property on board, and to bring the vessel in for condemnation. The danger is certainly somewhat greater of our cruisers seizing American seamen, instead of British, than of their stopping vessels laden with neutral or innocent cargoes, instead of vessels pursuing an illegal voyage. But though this may render the adjustment of the mode in which our right of search shall be exercised a little more nice, it does not amount to such a difficulty as will invalidate our title to use that remedy. Suppose the right of searching were strictly confined to national ships; that no seaman were liable to be impressed who could prove, by unsuspicious documents, his having been out of England a certain number of

years in proportion to his age; that the master of the American vessel, upon affidavit, supported by two sureties residing in England, that an American born subject had been taken from his crew, should have a right to obtain his surrender, for the purpose of bringing an action against the English captain in a *court of common law*, where he might obtain exemplary damages:—Suppose, further, that every American merchant vessel were declared seizable, of which above a certain proportion of the crew should be British subjects who had left their country within a certain period of their lives, and that the cruisers visiting had the option, in all cases, of either seizing the men, or of suing the master and two English sureties, in an English *court of common law*, for penalty upon a bond entered into once every year, and always kept among the ship's papers, obliging him not to sail with any British seamen as above described;—it appears that sufficient checks would be imposed both upon the English cruisers and the American traders. The owners of the ships would find sureties among their mercantile correspondents in England, and would be forced to use some circumspection in hiring their crews. They would probably be satisfied with the power of applying for redress to an English court of common law, greatly as they are inclined to distrust our prize tribunals; and indeed, were the present fears of the abuse of the right of search realized, a single verdict obtained against a captain in the navy for impressing an American, would have the full effect of checking the evil. Some such method as has been sketched, of loading both parties with a considerable risk in the conduct of the business—of making each act at his peril—might be arranged without much difficulty, and check the desertion of our seamen, while it secured the American traders from vexatious detention.

We have now been stating the right of search, and

the mode of exercising it, as high as possible; that is to say, the right, as fully as it is conceived to exist, and such a mode of enforcing it as would be requisite, if the importance of the object to be gained were very considerable. It should seem, however, that this is in general a good deal overrated by those who discuss the question. The demand which our extensive commerce affords for seamen, must always produce a supply in some degree proportioned to it; and the blanks occasioned in their numbers by manning the navy during war, in so far as they cannot be filled up by the hands which that war throws out of employment, will operate as an increase in the total demand. To this augmented demand the supply of seamen will constantly tend to accommodate itself. The temptations held out by the American trade, if our seamen are allowed to engage in it, must operate as a still further increase of the demand, and a bounty upon the supply of seamen. Instead of breeding seamen, as it were, for our own commerce only, we should breed them for the whole commerce of England and America. We should therefore be much better supplied with them, than if we bred them only for ourselves; as a country is sure of having more corn for home consumption, the more it grows for exportation. This consideration deserves to be weighed against the inconveniences which we no doubt suffer during war, from the constant desertion occasioned by the peculiar advantages of the American service, and the sudden and extraordinary drain of seamen from our mercantile navy, especially at the commencement of hostilities.* These evils, though serious, are much diminished by this view of the case; and it should be recollected, that the greater part of the emigrants or deserters who went over during war,

* It needs scarcely be remarked, that the whole of the reasoning applies to seamen who leave our merchant service, as well as deserters from our fleets; the right of our government is exactly the same to seize both, wherever it can find them without violating a foreign territory.

return at the peace; that this augments our whole numbers of seamen while peace lasts; that, consequently, an increased degree of vigilance in the impress service, at the commencement of a new war, may still further diminish the evil. Such being the real amount of the detriment occasioned by a total abandonment of our right of search for seamen, it may possibly be admitted that we should, in prudence, abstain from the most rigorous possible enforcement of the right. The right is ours, clearly and in the fullest extent. The American government is too sensible not to perceive this; we trust it is too faithful to its highest duties, not to admit so incontestable a proposition. But if it should have any invincible objection against our exercising our undoubted rights, and obtaining the redress which is our due by the arrangement above pointed out, it must devise some other remedy which shall appear likely to be efficacious. In consideration of the evil not being extreme, it would surely be prudent for this country to make a fair trial of such a remedy as shall be proposed, and to adopt it in place of the rigorous search, though it might prove somewhat less effectual. But it may safely be predicted that the trial will entirely fail; that nothing short of the search above described will nearly answer the end proposed; that the failure of the experiment will convince the American government itself; and that, by delaying to insist on our undoubted rights, we shall obtain a peaceable and full recognition of them in the final adoption of some arrangement similar to the one already pointed out.

It is greatly to be feared, however, that, highly as the importance of the claims just now examined has been extolled in this country, they are rather the pretences, than the true reasons for desiring a rupture with America. In consequence of the long and successful war carried on by England against almost all the other maritime powers, a great portion of their

commerce, and a share also of our own, has passed into the hands of the Americans. A certain class of politicians, therefore, regard them at once as rivals in trade, and as interfering with the course of our hostilities; and are anxious, not only to deprive them of all the benefit which they derive from our constant wars, but to injure them nearly as much as the enemy. The principle of these reasoners is, that the enemy shall trade with nobody, and the neutrals only with ourselves.

It is contended, that England has a right to prohibit the neutrals from carrying on any trade during war, which was not open to them during peace. But why should not the same rule extend to a trade of which the neutrals, though permitted by law, did in fact not partake before the war? It is owing to our hostilities, that the Americans carry wine from Bordeaux to Amsterdam; they came into this traffic, in order to shelter the French and Dutch traders from our cruisers; we have as good a right to prohibit it, as to stop their trade in sugar and coffee. In like manner, the French used to import American produce in their own vessels; now they only receive it in American ships: Instead of a part, therefore, the Americans have the whole of this trade, and England has a right to confine them to their former share of it; but as this is utterly impossible, without stopping it altogether, she may exercise her belligerent rights in the only way practicable, and cut off the Americans from all intercourse whatever with her enemies. This is exactly what the French government has threatened us with; and it must be admitted to follow clearly, from the principles of the Rule of the War 1756. Accordingly, some politicians recommend it to England. Now, let us see what follows. We are desired to cut off all intercourse between America and our enemies; —this will no doubt injure our enemies, but it will hurt America still more. For we are unfortunately at war with about ten different nations, each of whom will thus

lose its American trade: but America will lose its trade with each of them; and will suffer, perhaps, ten times as much as any of them. Being at war with almost the whole world ourselves, we shall, in revenge, monopolize the whole trade of a neutral and friendly power, and indemnify ourselves at its expense. But shall we, in fact, be benefiting ourselves by so singular a conduct? We may call it monopolizing the trade of America, but, in truth, it is equally giving her the monopoly of our own trade,—it is confining the Americans to intercourse with ourselves, and ourselves to intercourse with them; for, the keenest advocates of the rule 1756 admit, explicitly, that we have not a shadow of right to partake, under any pretexts, in a trade which we shut up against the neutrals. If, then, we cannot cut off our enemy's commerce, without injuring the Americans a great deal more, so neither can we injure the Americans, without hurting ourselves equally; and such, in a few words, is the benefit to be derived, from the complete assertion of our pretended rights towards neutrals.

The progress of the demands which have been made by the assertors of these rights, is exceedingly instructive as to their real views. The transport of produce from the enemy's colonies to the mother country direct, in neutral vessels, is first required to be stopped. The neutral trader then carries it to his own ports, and from thence to the enemy's. We are required to consider this as one voyage, and an evasion of the first prohibition. A second prohibition is therefore demanded;—the produce must be fairly landed, and pay duties; and it must not be re-exported in the same vessel which brought it. Under all these restrictions, however, the neutral can afford to continue the trade; and the produce still finds its way to the enemy, though at very advanced prices. We are now desired, therefore, to enforce the Rule of the War 1756, and to prevent the produce from entering our enemy's ports

at all, in neutral bottoms, because in time of peace, that commerce was interdicted by him. Suppose we again comply, and that the neutrals yield—they will carry the produce to some neutral European port, from which it may find its way to the market; that is, to our enemies. A new demand is therefore necessary. We are required absolutely to prohibit all traffic in colonial produce which came originally from an enemy's colony. Even this would be evaded; for, how is such produce to be distinguished from the very produce sold by ourselves to those neutrals, according to the strict letter of our own navigation law? We must, therefore, interdict absolutely all carriage of colonial produce in any vessels not being British. But this, though sufficient, to outrage all public law, would still be inadequate to prevent smuggling, so long as any traffic remained between our enemies and the neutrals. There is but one other step to take, therefore. We must go to war with the neutrals, and put their ships upon the same footing with those of our enemy, whose places in trade they are now filling. By this chain it is that we are driven on from prohibition to prohibition, till we find that the prohibition of neutrality itself is our only remedy; and that we can only trust to the vigilance of our cruisers for the security of our colonial monopoly, and the interruption of our enemy's trade. The case is therefore short and plain. If all nations will not go to war with France when we choose to do so, we must go to war with them also. There is no other way of vexing our enemy, and protecting our mercantile profits.

Now, putting the morality of this doctrine entirely out of the question,—endeavouring to forget the old maxims of public law, in the eye of which *neutrality* is held to be a favourable object,—allowing that the present war is of a peculiar nature, and of a paramount importance (as indeed all wars are),—and that the rules which apply to other wars do not apply to so

great a contest (though this has been regularly said of every one war from the time that men began to fight, and fully as often said of the most trifling as of the greatest disputes between nations),—let us simply ask ourselves, whether the destruction of all neutrality is likely to be so very great a gain to the most commercial and manufacturing nation in the world? With whom should we trade, if we went to war with America? Our foreign trade would be confined to Sicily and Sweden, and perhaps it might extend to Zealand. But a great contraband would enable us, through these channels, and by other more direct means, still to supply the enemy and the countries subject to him; that is to say, we should be compelled, by the approach of utter ruin, to relax our own hostilities, and to trade ourselves with the enemy. But in what way? If we send ships to his ports he will seize them;—then we must allow his ships to come to our ports, or to the ports of our allies and dependents. Is not this encouraging, not merely a foreign trade, but an enemy's trade and shipping? Is it not assisting France, for fear that America should help her? Is it not transferring the neutral privileges from our friends to our enemies? But can anybody doubt, that the conversion of our whole foreign trade into contraband would greatly diminish the amount of it? Our enemies would indeed pay a little dearer, and consume a great deal less, of both their own colonial produce and our goods; but the loss would be reciprocal, and while the whole amount of it would be divided among all our enemies, we should ourselves lose upon our intercourse with each of them. The neutrals would no longer carry for us to France, Spain, and Holland, for example; nor to Germany and Russia. All those countries would therefore lose, arrange it how we please, part of their trade with us, and suffer each so much by the loss; while we should lose about as much with each of them, and many times more than France could lose.

It might be expected, that such obvious considerations would render all attempts against America fruitless in this country; and incline us rather to waive some rights which we possess, than insist upon claims founded in manifest injustice. But there are certain bodies of traders, who conceive that their interests are opposite to those of the country, and seem desirous of pursuing some imaginary advantages at all risks. The depreciation of West India produce, to whatever cause it may be owing, has brought a large and highly respectable class of men, into a situation of unexampled difficulty. The interruption of all trade with the enemy's colonies, they consider as the sure means of raising the price of their own goods. Reduced nearly to a state of despair, they conceive that no change can be for the worse, and, in their eagerness to make some effort to save themselves, overlook the risk which they incur of hastening their destruction. The most satisfactory proof exists that the deplorable state of the West Indies, is owing to an excessive cultivation of sugar all over the colonies. While the whole or the greater part of this reaches the market of Europe, there will be a glut, and the price will continue extremely low. No measures which our maritime superiority enables us to pursue, can prevent a considerable portion of this produce from finding its way over. Another portion will be captured by our cruisers in its attempts to reach the forbidden markets, and will, of course, come into our own market. In the meantime, the enemy will be enforcing *his* prohibitions with a rigour not likely to be diminished by our blockade of his islands; he will certainly obstruct the importation of our produce into the continental market, and assist the present tendency of the people in many parts of Europe to lessen their consumption of such articles. But, while the prices are thus prevented from rising so high as the West India Body expect, the cost of raising the produce will

be greatly increased. A war with America must not only raise the price of lumber and provisions, but increase incalculably the charges of freight and insurance. Let us only reflect, that during the last American war (long may it be called the last!) West India *premiums* rose from five to twenty-three guineas *per cent.;* that the underwriters were, notwithstanding, ruined; that in the two first years of the contest, the Americans captured 733 of our ships;—and we shall be convinced that the inconsiderable rise in the price of sugar, which is all the planters can expect, will be much more than counterbalanced by the increased expense of making and transporting it. But we are told, that such a blockade of the enemy's colonies must be enforced, as shall compel their planters to abandon the cultivation of the staple articles. This is utterly impossible unless we pursue a mode of warfare too horrible to be described. For, if our blockade succeeds so as to starve the islands, they will surrender—and by what law of war can we refuse to receive them? No one ever pretended that war gives a belligerent the right to do more than take possession of a subdued enemy; and, surely, the planters do not mean to insist that we should force all the foreign colonies into a state of universal anarchy, like that of St. Domingo, in order to raise the price of the sugars in Jamaica and Barbadoes.

A variety of more general reasonings might be offered to show that the planters cannot expect to benefit by any system tending to increase the difficulties under which the rest of the community at present labour. A diminution of the national income is likely to affect in the first instance, those who raise articles of mere superfluity: Bankruptcies and other great misfortunes in the commercial world, must injure those most of all who chiefly trade upon borrowed capital: The same class of men is sure to feel most seriously the draining of the money market, which always attends an augmented scale of public expenditure.

The inference which is suggested by the dry and tedious discussion now brought to a close, is, that there are no points at present in dispute between England and America, so important in themselves as to justify a war. The claim of searching ships of war must, both in justice and in prudence, be abandoned;—it is at once unfounded and unprofitable. The right of searching merchant ships is clearly ours; it is of some value, and should be insisted upon in the manner formerly pointed out. It is neither our right nor our interest to destroy the American carrying trade; and, in our endeavours to limit the benefit which our enemies derive from it, we should be satisfied with such regulations as may increase the obstacles already thrown in the way of fraudulent transactions, and perhaps augment the expenses of the circuitous voyage.*

In all that has been hitherto stated, we have only considered the rights claimed as to be exercised by the State, that is, by those in its service. But the Law of Nations unhappily has at all times extended its protection to those private individuals who are licensed by the State to take part in hostilities, as well as to those in its immediate employment! Privateers are accordingly not considered as Pirates. This is a relic of the most barbarous times, when a war between two countries called into action not only the armies of each, but the whole people, who took part in hostile operations, murdering, and pillaging, without any more restraint than might be imposed by the rulers, or by the commanders of each for the public interest. Justly has Mr. Burke called it that "system of havoc which it has been the pride of civilized Europe to

* The Date of this Dissertation is October, 1807.

execrate and explode."* The grounds of excepting operations at sea, the only remains of the system, he confesses himself unable to comprehend; but asserts that "the time is not far distant when even that inhuman species of war will be abolished."

If, indeed, there be any difference between privateering and hostilities on shore, it is all against the former. A privateer is armed with a commission, or rather a license, and may give security to observe certain rules; but he is in a position where no control can be exercised on him; he is neither superintended nor watched. The extreme rights of the State are shared by persons wholly irresponsible, and often of very indifferent character. That common piracy is not unfrequently committed by them, is certain; but if even they confine their depredations to the persons and property of the enemy, no doubt can exist of the outrages which they habitually commit. It has, therefore, at all times been the earnest desire of humane and enlightened men to see a practice abandoned which is so entirely inconsistent not only with the present advanced state of society, but even with a very inferior degree of civilization. Treaties have, accordingly, at different times been made to abolish this relic of barbarism; and as far back as 1785, the United States, in a convention with Prussia, renounced the right of commissioning privateers in any future war with that power. It must, however, be added, that, in one at least of the States, greater encouragement has been given to privateering than in any other country,—New York having passed an act to give the privileges of a corporate body to any five or more persons embarked in such a trade.

The objections which that Government has raised to the late provisions in the treaty of Paris, are wholly without weight. It is said that not only privateering

* Speech on the Seizure of Property, at St. Eustatius, 1781.

should be suppressed, but all seizure of private property on board either enemy's vessels or neutrals; and it is contended that until this consummation, which all must devoutly wish for, can be brought about, no other restriction should be imposed upon the rights of private war. Every one must freely admit, that the most perfect condition of things would be that in which not only all hostile operations, but all their immediate consequences were confined to the property of the State, as well as the persons in its service; that war should be only felt by private individuals in its indirect and consequential effects. But it must be also admitted, that this restriction would have no small tendency to prolong the duration of a contest by greatly diminishing the interest of the community in its cessation; and, at any rate, there being little reason to expect the establishment of such a happy state of things as the argument contemplates, there can be no reason why a great and acknowledged evil should not be extirpated only because other and lesser evils remain. The same argument would have prevented our abolishing the Slave Trade, because we could not put down Slavery; and it was accordingly employed by many who neither desired to see the one evil extinguished nor the other. It is a course of reasoning often pursued in entire bad faith; but which, when honestly adopted, has had an incalculable effect in staying the progress of all improvement.

PRACTICAL OBSERVATIONS

UPON THE

EDUCATION OF THE PEOPLE,

ADDRESSED TO THE WORKING-CLASSES
AND THEIR EMPLOYERS.*

I BEGIN by assuming that there is no class of the community so entirely occupied with labour as not to have an hour or two every other day at least, to bestow upon the pleasure and improvement to be derived from reading—or so poor as not to have the means of contributing something towards purchasing this gratification, the enjoyment of which, beside the present amusement, is the surest way both to raise our character and better our condition. Let us consider how the attainment of this inestimable advantage may be most successfully promoted.

It is no doubt manifest that the people themselves must be the great agents in accomplishing the work of their own instruction. Unless they deeply feel the usefulness of knowledge, and resolve to make some sacrifices for the acquisition of it, there can be no reasonable prospect of this grand object being attained. But it is equally clear, that to wait until the whole people with one accord take the determination to labour in this good work, would be endless. A portion of the community may be sensible of its advantages, and willing at any fair price to seek them, long before the same laudable feeling be-

* This address was printed in 1825 for the benefit of the London Mechanics' Institution, and inscribed to Dr George Birkbeck, the President of that institution.

comes universal; and their successful efforts to better their intellectual condition cannot fail to spread more widely the love of learning, and the disrelish for sensual and vulgar gratifications.

But although the people must be the source and the instruments of their own improvement, they may be essentially aided in their efforts to instruct themselves. Impediments which might be sufficient to retard or wholly to obstruct their progress, may be removed; and efforts which, unassisted, might prove fruitless, arising perhaps from a transient, or only a partial enthusiasm for the attainment of knowledge, may, through judicious encouragement, become effectual, and settle into a lasting and an universal habit. A little attention to the difficulties that principally beset the working classes in their search after information, will lead us to the knowledge both of the direction in which their more affluent neighbours can lend them most valuable assistance, and of the part which must be borne by themselves.

Their difficulties may all be classed under one or other of two heads—want of money, and want of time. To the first belongs the difficulty of obtaining those books and instructors which persons in easier circumstances can command; and to the second it is owing that the same books and instructors are not adapted to them, which suffice to teach persons who have leisure to go through the whole course of any given branch of science. In some lines of employment, there is a peculiar difficulty in finding time for acquiring knowledge; as in those which require severe labour, or, though less severe, yet in the open air; for here the tendency to sleep immediately after it ceases, and the greater portion of sleep required, oppose very serious obstacles to instruction: on the other hand, those occupations are less unfavourable to reflection, and have a considerable tendency to enlarge the mind.

The first method, then, which suggests itself for promoting knowledge among the poor, is the encouragement of cheap publications; and in no country is this more wanted than in Great Britain, where, with all our expertness in manufactures, we have never succeeded in printing books at so little as double the price required by our neighbours on the continent. A gown, which anywhere else would cost half a guinea, may be made in this country for half a crown; but a volume, fully as well or better printed, and on paper which, if not as fine, is quite fine enough, and far more agreeable to the eyes, than could be bought in London for half a guinea, costs only six francs, or less than five shillings, at Paris. The high price of labour in a trade where so little can be done, or at least has been done by machinery, is one of the causes of this difference. But the direct tax upon paper is another; and the determination to print upon paper of a certain price is a third; and the aversion to crowd the page is a fourth. Now all of these, except the first, may be got over. The duty on paper is threepence a pound, which must increase the price of an octavo volume eightpence or ninepence; and this upon paper of every kind, and printing of every kind; so that if by whatever means the price of a book were reduced to the lowest, say to three or four shillings, about a fourth or a fifth must be added for the tax; and this book, brought as low as possible to accommodate the poor man, with the coarsest paper and most ordinary type, must pay exactly as much to Government as the finest hot-pressed work of the same size. This tax ought, therefore, by all means, to be given up; but though, from its being the same upon all paper used in printing, no part of it can be saved by using coarse paper, much of it may be saved by crowding the letterpress, and having a very narrow margin. This experiment has been tried of late in London upon a considerable scale; but it may easily be car-

ried a great deal further. Thus, Hume's History* has been begun; and one volume, containing about two and a half of the former editions, has been published.† It is sold for six shillings and sixpence; but it contains a great number of cuts neatly executed; the paper is much better than is necessary; and the printing is perfectly well done. Were the cuts omitted, and the most ordinary paper and type used, the price might be reduced to 4s. or 4s. 6d.; and a book might thus be sold for 12s. or 14s., which now costs perhaps above two pounds. A repeal of the tax upon paper, which is truly a tax upon knowledge; and falls the heaviest upon those who most want instruction, would further reduce the price to nine or ten shillings.

The method of publishing in Numbers is admirably suited to the circumstances of the classes whose income is derived from wages. Twopence is easily saved in a week by almost any labourer; and by a mechanic sixpence in a week may without difficulty be laid by. Those who have not attended to such matters, would be astonished to find how substantial a meal of information may be had by two-pennyworths. Seven numbers, for fourteen pence, comprise Franklin's Life and Essays; four for eightpence, Bacon's Essays; and 36 for six shillings, the whole of the Arabian Nights. Cook's Voyages, in threepenny numbers, with many good engravings, may be had complete for seven shillings; and Plutarch's Lives, for ten shillings, will soon be finished.‡ The Mirror, a weekly publication, containing much matter of harmless and even improving amusement, selected with very considerable taste, has besides, in almost

* It is to be regretted that any edition of this popular work should ever be published without notes, to warn the reader of the author's partiality when moved by the interest of civil and ecclesiastical controversy, and his careless and fanciful narrative when occupied with other events.

† Dolby's Cheap Histories. ‡ Limbird's Classics.

every number, information of a most instructive kind. Its great circulation must prove highly beneficial to the bulk of the people. I understand, that of some parts upwards of 80,000 were printed, and there can be no doubt that the entertainment which is derived from reading the lighter essays, may be made the means of conveying knowledge of a more solid and useful description—a consideration which I trust the conductor will always bear in mind. The Mechanics' Magazine,* most ably edited by Mr Robertson, has from its establishment had an extensive circulation; and it communicates for threepence a week far more valuable information, both scientific and practical, than was ever before placed within the reach of those who could afford to pay six times as much for it. A similar work is published at Glasgow upon the same plan. The Chemist, also for threepence, is learnedly and judiciously conducted by Mr Hodgkin, and contains an admirable collection of the most useful chemical papers and intelligence. A Mechanics' Register has lately been begun, and with immediate success. It is a weekly paper, for the same price; and although, being principally intended for the use of the workmen, it bestows peculiar attention on whatever concerns that order, yet the occurrences which it communicates, and the discussions which it contains, are also those most interesting to philosophers themselves. The day, indeed, seems now to break, when we may hope to see no marked line of separation between the two classes. I trust another distinction will also soon be known no more. The circulation of cheap works of a merely amusing kind, as well as of those connected with the arts, is at present very great in England; those of an aspect somewhat more forbidding, though at once moral, inter-

* Knight and Lacy; who have done great service by publishing other works of singular cheapness and merit. The Dictionary of Architecture is one of the most extraordinary in this respect.

esting, and most useful, is very limited; while in Scotland there is a considerable demand for them. Habits of reading longer formed in that country, have taught the inhabitants, that nothing in reality can be more attractive than the profound wisdom of every day's application, sustained by unbounded learning, and embellished with the most brilliant fancy, which so richly furnishes every page of the Essays of Bacon.

It is undoubtedly from the circumstance just mentioned, that in looking over the list of those cheap publications, which are unconnected with the arts, we certainly do not find many that are of a very instructive cast; and here it is that something may be done by way of encouragement. That the demand for books, cheap as well as dear, must tend to produce them, no one denies; but then it is equally certain, that the publication of cheap books increases the number of readers among the poor; and one can hardly conceive a greater benefit than those would confer, who should make a judicious selection from our best authors upon ethics, politics, and history, and promote cheap editions of them in Numbers, without waiting until the demand was such as to make the sale a matter of perfect certainty. Lord John Russell, in his excellent and instructive speech upon Parliamentary Reform, delivered in 1822, stated, that "an establishment was commenced a few years ago, by a number of individuals, with a capital of not less than a million, for the purpose of printing standard works at a cheap rate;" and he added, that it had been "very much checked in its operation by one of those Acts for the suppression of knowledge which were passed in the year 1819, although one of its rules was not to allow the vendors of its works to sell any book on the political controversies of the day." The only part of this plan which appears at all objectionable, is the restriction upon politics. Why should not political, as well as all other works, be pub-

lished in a cheap form, and in Numbers? That history, the nature of the constitution, the doctrines of political economy, may safely be disseminated in this shape, no man now-a-days will be hardy enough to deny. Popular tracts, indeed, on the latter subject, ought to be much more extensively circulated for the good of the working classes, as well as of their superiors. The interests of both are deeply concerned in sounder views being taught them. I can hardly imagine, for example, a greater service being rendered to the men, than expounding to them the true principles and mutual relations of population and wages; and both they and their masters will assuredly experience the effects of the prevailing ignorance upon such questions, as soon as any interruption shall happen in the commercial prosperity of the country, if indeed the present course of things, daily tending to lower wages as well as profits, and set the two classes in opposition to each other, shall not of itself bring on a crisis. To allow, or rather to induce the people to take part in those discussions, is therefore not merely safe, but most wholesome for the community, and yet some points connected with them are matter of pretty warm contention in the present times; but these may be freely handled, it seems, with safety; indeed, unless they are so handled, such subjects cannot be discussed at all. Why, then, may not every topic of politics, party as well as general, be treated of in cheap publications? It is highly useful to the community that the true principles of the constitution, ecclesiastical and civil, should be well understood by every man who lives under it. The great interests of civil and religious liberty are mightily promoted by such wholesome instruction; but the good order of society gains to the full as much by it. The peace of the country, and the stability of the government, could not be more effectually secured than by the universal diffusion of this kind of

knowledge. The abuses which through time have crept into the practice of the constitution, the errors committed in its administration, and the improvements which a change of circumstances require even in its principles, may most fitly be expounded in the same manner. And if any man or set of men deny the existence of such abuses, see no error in the conduct of those who administer the government, and regard all innovation upon its principles as pernicious, they may propagate their doctrines through the like channels. Cheap works being furnished, the choice of them may be left to the readers. Assuredly, a country which tolerates every kind, even the most unmeasured, of daily and weekly discussion in the newspapers, can have nothing to dread from the diffusion of political doctrines in a form less desultory, and more likely to make them be both well weighed at the time, and reserved for repeated perusal. It cannot be denied, that the habit of cursory reading, engendered by finding all subjects discussed in publications, which, how great soever their merits may be, no one looks at a second time, is unfavourable to the acquisition of solid and permanent information.

Although the publication of cheap works is the most effectual method of bringing knowledge within the reach of a poor man's income, there are other modes deserving our attention, whereby a similar assistance may be rendered, and his resources economised. Circulating libraries may in some circumstances be of use; but, generally speaking, they are little suited to those who have only an hour or two every day, or every other day, to bestow upon reading. *Book Clubs*, or *Reading Societies*, are far more suited to the labouring classes, may be established by very small numbers of contributors, and require an inconsiderable fund. If the associates live near one another, arrangements may be easily made for

circulating the books, so that they may be in use every moment that any one can spare from his work. Here, too, the rich have an opportunity presented to them of promoting instruction without constant interference; the gift of a few books, as a beginning, will generally prove a sufficient encouragement to carry on the plan by weekly or monthly contributions; and with the gift a scheme may be communicated, to assist the contributors in arranging the plan of their association. I would here remark the great effect of combination upon such plans, in making the money of individuals go far. Three-halfpence a week laid by in a whole family, will enable it to purchase in a year one of the cheap volumes of which I have spoken above, and a penny a week would be sufficient, were the publications made as cheap as possible. Now, let only a few neighbours join, say ten or twelve, and lend each other the books bought; and it is evident, that for a price so small as to be within the reach of the poorest labourer, all may have full as many books in the course of the year as it is possible for them to read, even supposing that the books bought by every one are not such as all the others desire to have.* The publication of books in Numbers greatly helps this plan; for it enables those who choose to begin it at any time, without waiting until they have laid by enough to purchase a volume in each family; and where books not so published are wanted, booksellers would do well to aid such associations by giving them a year's credit; whatever propagates a taste for reading must secure their in-

* It is found that the average number of volumes read by the members of a Mechanics' Institution, in a great town, is between 10 and 11 a year; by the members of a book society, in the villages of an agricultural district, between 5 and 6. Now, the cheap books contain between two and three times the matter in the ordinary publications; therefore, it is evident, that such an association as that proposed, would have three times as much reading as is wanted in towns, and five or six times as much as in the country.

terest in the end. In many parts of Scotland, *Parish Libraries* have been formed with a view to the same object. They originated, I believe, in general with the wealthier classes and the farmers; but after laying the foundation by collecting a few books, those persons left the management most wisely to the readers themselves, and required them to pay for the support of the fund and purchase of new books. *Cottage Libraries* upon a somewhat similar plan are beginning to be formed in some parts of England. There is one at Taunton, where the contributors pay only a penny a week, and above a thousand issues of books have been made to 80 persons in the course of a year. The only officers are a treasurer and librarian, who attend every Saturday evening, to exchange the books and receive subscriptions. They also select the books; a faulty arrangement, in my opinion, unless the officers are themselves chosen by the readers. The obvious and the sound plan is to establish some general regulation respecting the kind of books to be purchased (which must, in some degree, depend on the circumstances of each association), and then to let each contributor choose in proportion to what he pays, or to let several join in choosing a book equal in price to their united contributions. If the rich patrons of the scheme wish to interfere with the choice, it should be either by giving books, or choosing in proportion to their pecuniary contribution. But I confess I should be better pleased to see such libraries, after they are once established, left wholly to the support of the readers, who are sure to care for them, if they pay for them, long after richer patrons would tire of the details.

An excellent plan was about ten years ago adopted by Mr S. Brown, of Haddington, for instructing the towns and villages of the county of East Lothian, in succession, by means of the same books. It began with only a few volumes; but he now has 19 *Itiner-*

ant Libraries of 50 volumes each, which are sent round the different stations, remaining a certain time at each. For these there are 19 divisions, and 15 stations, 4 divisions being always in use at the chief town, and 2 at another town of some note. An individual at each station acts as librarian. There are 700 or 800 readers, and the expenses, under £60 a year, are defrayed by the produce of a sermon, the sale of some tracts, and subscriptions, in small sums averaging 5s. This plan is now adopted in Berwickshire, by Mr Buchan, of Kelloe, with this very great improvement, that the current expenses are defrayed by the readers, who pay twopence a month, and I hope choose the books. These libraries have given rise to a scientific Institution, as we shall presently see; and it is peculiarly gratifying to observe that the original scheme from which the whole has followed, was merely a library for *religious tracts*, established ever since 1810; and into which were afterwards introduced, in perfect consistency with the primary object, some literary and scientific works.

It is, however, not only necessary that the money of the working classes, but their time also, should be economized; and this consideration leads to various suggestions.

In the *first* place, there are many occupations in which a number of persons work in the same room; and unless there be something noisy in the work, one may always read while the others are employed. If there are twenty-four men together, this arrangement would only require each man to work one extra day in four weeks, supposing the reading to go on the whole day, which it would not; but a boy or a girl might be engaged to perform the task, at an expense so trifling as not to be felt. This expedient, too, it may be observed, would save money as well as time; one copy of a book, and that borrowed for the purpose, or obtained from a reading society or

circulating library, would suffice for a number of persons. I may add, that great help would be given by the better informed and more apt learners, to such as are slower of apprehension and more ignorant; and discussion (under proper regulations) would be of singular use to all, even the most forward proficients; which leads me to observe,

Secondly, That societies for the express purpose of promoting conversation are a most useful adjunct to any private or other education received by the working classes. Those who do not work together in numbers, or whose occupation is of a noisy kind, may thus, one or two evenings in the week, meet and obtain all the advantages of mutual instruction and discussion. An association of this kind will naturally combine with its plan the advantages of a book club. The members will most probably be such as are engaged in similar pursuits, and whose train of reading and thinking may be nearly the same. The only considerable evils which they will have to avoid are, being too numerous, and falling too much into debate. From twenty to thirty seems a convenient number; and nearer the former than the latter. The tone ought to be given from the beginning, in ridicule of speech-making, both as to length and wordiness. A subject of discussion may be given out at one meeting for the next; or the chairman may read a portion of some work, allowing each member to stop him at any moment, for the purpose of controverting, supporting, or illustrating by his remarks the passage just read. To societies of this kind master workmen have the power of affording great facilities. They may allow an hour on the days when the meetings are holden; or if that is too much, they may allow the men to begin an hour earlier on those days; or if even that cannot be managed, they may let them have an hour and a half, on condition of working half an hour extra on three other days. But a more

essential help will be the giving them a place to meet. There are hardly twenty or thirty workmen in any branch of business, some of whose masters have not a room, workshop, warehouse, or other place sufficient to accommodate such a society; and it is quite necessary that the place of rendezvous should on no account be the alehouse. Whoever lent his premises for this purpose, might satisfy himself that no improper persons should be admitted, by taking the names of the whole club from two or three steady men, who could be answerable for the demeanour of the rest. Any interference beyond this would be unwise; unless in so far as the men might voluntarily consult their masters from time to time; and their disposition to do so must depend wholly upon the relations of kindness and mutual confidence subsisting between the parties. If any difficulty should be found in obtaining the use of a room from their masters, there seems to be no good reason why they should not have the use of any school-room that may be in their neighbourhood; and one room of this kind may accommodate several societies: three, if the meetings are twice a week; and six, if they only meet once. I shall presently illustrate this matter further when I come to speak of the Glasgow Institution.

In the *third* place, it is evident that as want of time prevents the operative classes from pursuing a systematic course of education in all its details, a more summary and compendious method of instruction must be adopted by them. The majority must be content with never going beyond a certain point, and with reaching that point by the most expeditious route. A few, thus initiated in the truths of science, will no doubt push their attainments much further; and for these the works in common use will suffice; but for the multitude it will be most essential that works should be prepared adapted to their circum-

stances. Thus, in teaching them geometry, it is not necessary to go through the whole steps of that beautiful system, by which the most general and remote truths are connected with the few simple definitions and axioms; enough will be accomplished, if they are made to perceive the nature of geometrical investigation, and learn the leading properties of figure. In like manner, they may be taught the doctrines of mechanics with a much more slender previous knowledge both of geometry and algebra, than the common elementary works on dynamics presuppose in the reader. Hence, a most essential service will be rendered to the cause of knowledge by him who shall devote his time to the composition of elementary treatises on the Mathematics, sufficiently clear, and yet sufficiently compendious, to exemplify the method of reasoning employed in that science, and to impart an accurate knowledge of the most useful fundamental propositions, with their application to practical purposes; and treatises upon Natural Philosophy, which may teach the great principles of physics, and their practical application, to readers who have but a general knowledge of mathematics, or who are even wholly ignorant of the science beyond the common rules of arithmetic. Nor let it be supposed, that the time thus bestowed is given merely to instruct the people in the rudiments of philosophy, though this would of itself be an object sufficiently brilliant to allure the noblest ambition; for what higher achievement did the most sublime philosophy ever aspire after, than to elevate the views and refine the character of the great mass of mankind—at least in later times, when science no longer looks down as of old upon the multitude, supercilious, and deeming that great spirits alone perish not with the body? But if extending the bounds of science itself be the grand aim of all philosophers in all ages, they indirectly, but surely, accomplish this object, who enable thou-

sands to speculate and experiment for one to whom the path of investigation is now open. It is not necessary that all who are taught, or even any large proportion, should go beyond the rudiments; but whoever feels within himself a desire and an aptitude to proceed further, will press forward; and the chances of discovery, both in the arts and in science itself, will be thus indefinitely multiplied. Indeed, those discoveries immediately connected with experiment and observation are most likely to be made by men, whose lives being spent in the midst of mechanical operations, are at the same time instructed in the general principles upon which these depend, and trained betimes to habits of speculation. He who shall prepare a treatise simply and concisely unfolding the doctrines of algebra, geometry, and mechanics, and adding examples calculated to strike the imagination, of their connection with other branches of knowledge, and with the arts of common life, may fairly claim a large share in that rich harvest of discovery and invention which must be reaped by the thousands of ingenious and active men, thus enabled to bend their faculties towards objects at once useful and sublime.

Although much may be done by the exertions of individuals, it is manifest that a great deal more may be effected by the labours of a body, in furthering this important measure. The subject has for some time past been under consideration, and I am not without hopes of seeing formed a Society for promoting the composition, publication, and distribution of cheap and useful works. To qualify persons for becoming efficient members of this association, or co-operating with it all over the country, neither splendid talents, nor profound learning, nor great wealth are required. Though such gifts, in their amplest measure, would not be thrown away upon so important a design, they are by no means indispensable to

its success. A well-informed man of good sense, filled with the resolution to obtain for the great body of his fellow-creatures, that high improvement which both their understandings and their morals are by nature fitted to receive, may labour in this good work, either in the central institution or in some remote district, with the certainty of success, if he have only that blessing of leisure for the sake of which riches are chiefly to be coveted. Such a one, however averse by taste or habit to the turmoil of public affairs, or the more ordinary strifes of the world, may in all quiet and innocence enjoy the noblest gratification of which the most aspiring nature is susceptible; he may influence by his single exertions the character and the fortunes of a whole generation, and thus wield a power to be envied even by vulgar ambition for the extent of its dominion—to be cherished by virtue itself for the unalloyed blessings it bestows.

Fourthly, The preparation of elementary works is not the only, nor, at first, is it the most valuable service that can be rendered towards economising the time of the labouring classes. The institution of Lectures is, of all the helps that can be given, the most valuable, where circumstances permit; that is, in towns of a certain size. Much may thus be taught, even without any other instruction; but, combined with reading, and subservient to it, the effects of public lectures are great indeed, especially in the present deficiency of proper elementary works. The students are enabled to read with advantage; things are explained to them which no books sufficiently illustrate; access is afforded to teachers, who can remove the difficulties which occur perpetually in the reading of uneducated persons; a word may often suffice to get rid of some obstacle which would have impeded the unassisted student's progress for days; and then, whatever requires the performance of experiments to become intelligible, can only be learnt by the bulk

of mankind at a lecture, inasmuch as the wealthy alone can have such lessons in private, and none but men highly gifted can hope to master those branches of science without seeing the experimental illustrations.

The branches of knowledge to which these observations chiefly apply, are Mechanical Philosophy and Chemistry, both as being more intimately connected with the arts, and as requiring more explanation and illustration by experiment. But the Mathematics, Astronomy, and Geology, the two former especially, are well fitted for being taught publicly, and are of great practical use. Nor is there any reason why Moral and Political Philosophy should not be explained in public lectures, though they may be learnt by reading far more easily than the physical sciences.

In all plans of this description, it is absolutely necessary that the expenses should mainly be defrayed by those for whose benefit they are contrived. It is the province of the rich to lay the foundation, by making certain advances which are required in the first instance, and enabling the poor to come forward, both as learners and contributors. But no such scheme can either take a deep root, or spread over the country so as to produce its full measure of good, unless its support is derived from those who are chiefly to reap the benefits. Those benefits are well worth paying for; they are not only of great value in the improvement and gratification which they afford to the mind, but in the direct addition which they make to the pecuniary resources of the labouring classes. Instruction in the principles upon which the arts depend, will repay in actual profit to those who live by the arts, far more than the cost of learning. An artisan, a dyer, an engine-maker, will gain the more in money or money's worth for being an expert chemist or mechanician; and a farm-servant, or bailiff, for knowing the economy and diseases of

cattle. I have before me the extract of a letter from one of the greatest engine-makers in the country, stating, that a young man in humble life had been selected from among many applicants, to fill a considerable place in the manufactory, on account of his proficiency in science. The profit directly accruing from the knowledge of those sciences provides an immediate fund, out of which the cost of acquiring it may be easily defrayed; but a fund is as certainly, though somewhat more remotely, secured for repaying, with large interest, the expense of acquiring knowledge of a more general description—those branches of learning which improve the morals, expand the understanding, and refine the taste. That invaluable fund is composed of the savings made by substituting pure and harmless and cheap gratifications, in the stead of luxuries which are both grosser and more costly—hurtful to the health, and wasteful of time.

The yearly cost of a lecture in the larger cities, where enlightened and public-spirited men may be found willing to give instruction for nothing, is indeed considerably less than in smaller places, where a compensation must be made for the lecturer's time and work. But it seems advisable, that, even where gratuitous assistance could be obtained, something like an adequate remuneration should be afforded, both to preserve the principle of independence among the working classes, and to secure the more accurate and regular discharge of the duty. We shall therefore suppose that the lectures, as well as the current expenses of the room, and where there are experiments, of the apparatus, are to be paid for; and still it appears by no means an undertaking beyond the reach of those classes. The most expensive courses of teaching will be those requiring apparatus; but those are likewise the most directly profitable to the scholars. Contributions may be reckoned upon to begin the plan, including the original purchase of

apparatus; and then we may estimate the yearly cost, which alone will fall upon the members of the Association. The hire of a room may be reckoned at £30; the salary of a lecturer, £40; wear and tear of apparatus, £20; assistant and servant, £10; clerk or collector, £10; fire and lamps, £5; printing and advertising, £15; making in all, £130. But if two, or three courses are delivered in the same room, the expenses of each will be reduced in proportion. Suppose three; the room may probably be had for £50, the printing for £20, and the servants for £30; so that the expense of each course will be reduced to about £100. Each course may occupy six months of weekly lectures; consequently, if only a hundred artisans are to be found who can spare a shilling a week, one lecture may be carried on for £130; and if 120 artisans can be found to spare a shilling a week, three courses may be carried on during the year, and each person attend the whole. This calculation, however, supposes a very inconsiderable town. If the families engaged in trade and handicrafts have, one with another, a single person contributing, the number of 100 answers to a population of only 770, supposing the proportion of persons engaged in trade and handicrafts to be the same as in the West Riding of Yorkshire; and 710, taking the proportion of Lancashire. If, indeed, we take the proportions in the manufacturing towns, it will answer in some cases to a population of 5500, and in others of little more than 500. But even taking the proportion from towns in the least manufacturing counties, as Huntingdonshire, the population required to furnish 100 will not exceed 900—which supposes a town of about 200 houses. One of three times the size is but an inconsiderable place; and yet in such a place, upon a very moderate computation, 200 persons might easily be found to spare sixpence a week all the year round; which would be amply sufficient for two lectures. In

the larger towns, where 500 or 600 persons might associate, five shillings a quarter would be sufficient to carry on three or four lectures, and leave between £150 and £200 a year for the purchase of books.

In estimating the expenses I have supposed a room to be hired and the rent to be moderate. To make a beginning, the parties must make a shift with any public room or other place that may be vacant; the great point is to begin: the numbers are certain to increase, and the income with the numbers, as the plan becomes known and its manifold attractions operate upon the people. For the same reason I reckon a small sum for apparatus. Great progress may be made in teaching with very cheap and simple experiments. Indeed, some of the most important, if not the most showy, are the least costly and complicated. By far the grandest discoveries in natural science were made with hardly any apparatus. A pan of water and two thermometers were the machinery that in the skilful hands of Black detected latent heat; a crown's worth of glass, threepenny-worth of salt, a little chalk, and a pair of scales, enabled the same great philosopher to found the system of modern chemistry, by tracing the existence and the combinations of fixed air; with little more machinery the genius of Scheele* created the materials of which the fabric was built, and anticipated some of the discoveries that have illustrated a later age; a prism, a lens, and a sheet of pasteboard enabled Newton to unfold the composition of light, and the origin of colours; Franklin† ascertained the nature of lightning with a kite, a wire, a bit of ribband, and a key:—to say nothing of the great chemist of our own day, of whose most useful, perhaps most philosophical discovery, the principle might have been traced with the help of a common wire fire-guard.

* A working chemist. † A working printer.

Even the elements of mechanics may be explained with apparatus almost as cheap and simple. To take one instance: the fundamental property of the lever (and I may say of the whole science) may be demonstrated by a foot-rule, a knife, and a few leaden balls of equal size. The other mechanical powers (which are indeed for the most part resolvable into the lever) may be explained with almost equal ease; and after all, it is those principles that practical men most require to have unfolded, and their application to mechanism illustrated, by figures and instruments. Machinery, even in its complicated form, is more easily understood by them, because they are in practice familiar with its operations and terms, and will follow the description of an engine and its working without a model, or at most with a drawing, far more readily than the learners of natural science in other conditions of life. The simplification of apparatus for teaching physical science is an important object, and one to which learned men may most usefully direct their attention. There cannot be a doubt, that a compendious set of machines may be constructed to illustrate at a very cheap price a whole course of lectures. Certain parts may be prepared capable of being formed into various combinations, so as to present different engines; and where separate models are necessary, their construction may be greatly simplified by omitting parts which are not essential to explain the principle, and show the manner of working. The price, too, will be greatly reduced when a larger number being required of each, they may be prepared by wholesale. A friend of mine is at present occupied in devising the best means of simplifying apparatus for lectures upon the mechanical powers; and cheap chemical laboratories may then receive his consideration. It is likewise in contemplation at a great manufacturing establishment, where every part of the machinery is made upon the spot, to prepare a num-

ber of sets of cheap apparatus for teaching, so that any Mechanics' Institution may on very moderate terms be furnished at least with what is necessary for carrying on a course of dynamics. The drawings may be multiplied by the polygraphic methods generally in use.

The difficulty of obtaining a fit lecturer is one likely for some time to be much felt, especially in small towns. One method of removing it is by sending an experienced teacher from place to place; and the man qualified for the task, who should fastidiously reject so useful and so honourable an occupation, might be a man of science, but would little deserve to be called a philosopher. No talents and no acquirements are too great to be thus applied; and no use to which parts and learning can be put is more dignified. But another supply of instructors will soon be ready. Each Institution now established must in a short time form teachers. Among a great number of students, some must be found to make such progress as will qualify them for the office. In the Edinburgh School of Arts a joiner has for some time past been teaching mathematics, which he learnt there. At Glasgow, a person of the same trade, who had been taught at the school established by Dr Birkbeck, has lectured on geography, chemistry, and mechanics. These instances prove that the men will be able to teach; it is equally clear that the wages of a lecturer will make them turn their attention to this business in places where one is wanted.

After all, it may often happen that a lecture cannot be undertaken on however moderate a plan; in that case it will be advisable to begin with a library, to which a lecture may afterwards be added. This was the course pursued at Kendal, where a "*Mechanics' and Apprentices' Library*" was begun last spring, and in autumn a course of lectures was delivered upon the Philosophy of Natural History. At Carlisle, and I believe at Hawick, the same method has been adopted.

I have remarked, that in forming these Institutions, it is a fundamental principle to make the expenses be mainly defrayed by the mechanics themselves; it is another principle, in my opinion equally essential, that they should have the principal share in the management. This seems necessary for securing both the success and the independence of the system. Nor is there the least reason to apprehend mismanagement. If benefit societies are, upon the whole, well managed, we may rely upon institutions being still better conducted, where the improvement of the mind being the object, those only will ever take an active part who are desirous of their own advancement in knowledge, and of the general instruction of the class to which they belong. Indeed, there seems no better means of securing the continued attention of the directors, than placing the direction in the hands of those who are alone interested in the prosperity of the concern. Neither is there any fear that the suggestions of persons in a higher station, and of more ample information, may not be duly attended to. Gratitude for the assistance received, and the advice offered, together with a conviction that the only motive for interfering is the good of the establishment, will give at least their just weight to the recommendations of patrons; and if it were not always so, far better would it be to see such influence fail entirely, than to run the risk of the apathy which might be occasioned among the men, and the abuse of the Institutions themselves, which might frequently be produced by excluding from the control of their affairs those whose interests are the only object in view. The opinions of patrons are always sure to have influence as long as their object plainly is to promote the good of those for whom the Institution was founded; and as soon as they are actuated by any other views, it is very fit that their influence should cease. There is nearly as little reason to ap-

prehend, that the necessity of discussing, at meetings of the members, the affairs of the Institution, will give rise to a spirit of controversy and a habit of making speeches. Those meetings for private business will of course be held very seldom; and a feeling may always be expected to prevail, that the continuance of the establishment depends upon preserving union, notwithstanding any diversity of opinion in matters of detail, and upon keeping the discussion of rules and regulations subordinate to the attendance upon the lectures, the main object of the establishment. The time when information and advice is most wanted, with other assistance from the wealthy and the well informed, is at the beginning of the undertaking; and at that time the influence of those patrons will necessarily be the most powerful. Much depends upon a right course being taken at first; proper rules laid down; fit subjects selected for lecture; good teachers chosen; and upon all these matters the opinions and wishes of those who chiefly contribute to found the several institutions, must receive great attention. What I have now stated, is not merely that which seems likely to happen by reasoning from the circumstances; it has in fact happened in the instances where the trial has been made on the largest scale. We have never found any inconvenience from this plan during the twelve months that our Mechanics' Institution in London has been established. In Glasgow, there is a much longer experience in its favour; with this addition, that a contrary plan having at one time been pursued there, the men ceased to interest themselves in the lecture; and the Institution declined. The extraordinary success of the new Institution, which now places it at the head of all such establishments, may chiefly be ascribed to its administration being in the hands of the men themselves.

I have said that the *independence* of these under-

takings, as well as their success, is to be considered. I really should be disposed to view any advantage in point of knowledge gained by the body of the people, as somewhat equivocal, or at least as much alloyed with evil, if purchased by the increase of their dependence upon their superiors. They will always be abundantly thankful for the help afforded them in beginning such institutions, and quite ready to receive advice from those who render them assistance. But if the latter keep the management entirely in their own hands, they enforce the appeal to gratitude by something very like control; and they hurt the character of those whom they would serve. For this reason, as well as for promoting more effectually and generally the establishment of these institutions, it is of the last importance that the yearly expense should be reduced to such a sum as can be wholly raised by the students. What they receive in money from their superiors will then be given once for all at the outset; what they receive from time to time in good counsel, and in teaching, either by lectures or publications, shows much real kindness, confers a great benefit, and ensures a grateful return, without bringing into action any of those feelings alike painful and injurious, which arise from the assumption of authority grounded on the mere differences of rank and wealth.

It is now fit that we advert to the progress that has already been made in establishing this system of instruction. Its commencement was the work of Dr Birkbeck, to whom the people of this island owe a debt of gratitude, the extent of which it would not be easy, perhaps in the present age not possible, to describe; for as, in most cases, the effective demand precedes the supply, it would have been more in the ordinary course of things, that a teacher should spring up at the call of the mechanics for instruction: but long before any symptoms appeared of such an ap-

petite on their part, and with the avowed purpose of implanting the desire in them, or at least of unfolding and directing it, by presenting the means of gratification, that most learned and excellent person formed the design, as enlightened as it was benevolent, of admitting the working-classes of his fellow-countrymen to the knowledge of sciences, till then almost deemed the exclusive property of the higher ranks in society, and only acquired accidentally and irregularly in a few rare instances of extraordinary natural talents, by any of the working classes. Dr Birkbeck, before he settled in London, where he has since reached the highest station in the medical profession, resided for some time in Glasgow as Professor in the Anderson College; and about the year 1800 he announced a Course of Lectures on Natural Philosophy, and its application to the Arts, for the instruction of mechanics. But a few at the first availed themselves of this advantage; by degrees, however, the extraordinary perspicuity of the teacher's method, the judicious selection of his experiments, and the natural attractions of the subject, to men whose lives were spent in directing or witnessing operations, of which the principles were now first unfolded to them, proved successful in diffusing a general taste for the study; and when he left Glasgow two or three years afterwards, about seven hundred eagerly and constantly attended the class.

For some time after Dr Birkbeck's departure, the lectures of his able and worthy successor Dr Ure were well frequented; and when the number of the students began to decline, probably from the circumstance of their having no direct share in the management of the Institution, the Professor happily thought of adding to it a library for the use of the mechanics, and entrusting the direction of it entirely to a committee chosen by themselves. This gave new life to the enterprise, and the Gas Light Company having

in return for some services rendered them by the Professor, agreed to light the book-room two evenings in the week, a custom arose among the men who came to change their books, of remaining to converse upon the subjects of their reading, and an extraordinary impulse was thus given to their spirit of inquiry. The Library Committee, too, being chosen by the whole body, became in some sort its representative, and claimed to interfere in the management of the Institution. It soon happened that some of their suggestions were not attended to; and a difference, at first to be regretted, led to consequences highly beneficial; for a great number seceded from the lectures and formed an Institution entirely under the management of the mechanics themselves. It has been successful beyond all expectation; a thousand working men attended it last winter, while the numbers of the parent establishment were scarcely diminished. Out of these public associations has arisen one upon a more confined but most useful plan, applicable to every large manufactory. The Gas Light Company's men, between 60 and 70 in number, have formed themselves, on the suggestion of Mr Nelson, the foreman, into a club for mutual instruction; laying by a small sum monthly, they have collected about 300 volumes, and the Company giving them a library room, which they light and heat, the men meet every evening, to converse upon literary and scientific subjects, and once a week to lecture; any one who chooses, giving a fortnight's notice that he will treat on some subject which he has been studying. The books are of all kinds, with the exception of theology, which from the various sects the men belong to is of necessity excluded.*

* I owe this interesting information to an admirable letter of Mr D. Bannatyne to Dr Birkbeck, in the "Mechanics' Register." Mr B. as early as 1817 strongly recommended to the country the extension of Dr B.'s plan, in a valuable paper which he contributed to Mr M. Napier's Encyclopædia.

It is somewhat singular, that although there are many towns in Scotland, and some within a short distance of Glasgow, where hundreds of artisans are collected, yet twenty years elapsed before the example was followed, and men profited by an experiment, which, for so long a period, was constantly before their eyes, and attended with such remarkable success. It was not till the year 1821 that Edinburgh adopted the plan with some variations, a part of which appear to be improvements.

The promoters of the measure began by drawing up a short sketch of the proposed institution, and causing it to be circulated among the principal master mechanics, with a request that they would read it in their workshops, and take down the names of such of the men as were desirous of being taught the principles of those sciences most useful to artisans. In the course of ten days, between 70 and 80 names were entered; and a private meeting was held of a few gentlemen who were disposed to encourage the experiment. These resolved to begin a subscription for the purpose. In April 1821 they circulated a prospectus among the mechanics, announcing the commencement of a Course of Lectures on Mechanics, and another on Chemistry, in October following—with the opening of a Library of Books upon the same subjects, for perusal at home as well as in the room; the hours of lecture to be from eight to nine in the evening, twice a week, for six months; and the terms of admission to the whole, both lectures and library, fifteen shillings a year. A statement was then issued to the public at large, announcing the establishment of a "*School of Arts*," with the particulars of the plan; and so well was it received, by all classes, that in September notice was given of 220 mechanics having entered as students, and such a sum having been subscribed by the public, as enabled the Directors to open the establishment in October. When 400 had

purchased tickets, the two courses of lectures were delivered by Dr Forbes and Mr Galbraith; to which one on architecture and one on farriery were added, with a class for architectural and mechanical drawing during the summer recess.

The Mechanical Lectures had hardly begun, when some of the students, finding the want of mathematical knowledge, proposed to form themselves into a class, under one of their own number, a joiner, who had agreed to teach them gratuitously the Elements of Geometry and the higher branches of Arithmetic. This suggestion was warmly approved of by the Directors, and some assistance in books being given, thirty met once a week for Geometry, and once for Arithmetic; and adopting the plan of mutual instruction, they arranged the class in five divisions, each under the best scholar as a Monitor, and going over in one night the lessons of the night before. The number of this class being limited to thirty, those who were excluded formed another on the same plan, under a cabinetmaker, also a student of the School of Arts. The joiner's name is James Yule; the cabinetmaker's, David Dewar; and their successful exertions to teach their fellow-workmen are deserving of very great commendation. Mr Galbraith, the Mechanical Professor, adopted the plan of setting exercises to his pupils; and a list has been published of those who chiefly distinguished themselves by the number and accuracy of their solutions, being 25 persons.

The average receipts of the two first years were, from subscriptions, £448 yearly, and from the students £300. The average expenditure was about £620, and a saving of £300 was made towards building a lecture-room. The expenditure includes, for furniture and apparatus, £216 a year; for books and binding, £110; and for expenses incident to the subscriptions, as advertisements, collection and meetings, about £70; leaving of current necessary expenses,

about £220 only: so that, if the extrinsic subscriptions were at an end, or were confined to the accumulation of a fund for building, the students could themselves carry on the establishment, and have a surplus of £80 a year for the wear and tear, and increase, of the apparatus and the library; and if their contributions were increased to a pound yearly, which would probably make very little, if any, difference in the numbers of students, an additional £100 would be afforded for the better payment of the lecturers, or, if they continue satisfied, for the establishment of new lectures. This statement is important, as confirming the calculation formerly given, and showing that, in places where the rich are less liberally inclined than in Edinburgh, the same invaluable establishments may easily be formed and perpetuated, by a judicious encouragement given at first to the mechanics, and without the necessity of relying upon continued assistance from those who first promoted and aided them.*

As nothing can be more useful to the community of that great and enlightened city than the formation of this establishment, so nothing can be more honourable to the inhabitants than the zeal and the harmony with which all ranks have united in conducting it, and all parties among the rich in giving it their support. To Mr Leonard Horner, in particular, with whom the plan originated, and who has principally had the superintendence of its execution, the most grateful acknowledgments are deservedly due; and I trust I may so far use the privilege of ancient friendship, as to express my conviction that there is no one exertion in which his greatly lamented brother would, had he been preserved to us, have borne a

* It has been thought proper to vest the management of this institution wholly in the subscribers. Local considerations, of which I cannot pretend to be a judge, may have rendered this necessary, but it seems, according to the most obvious principles, inconsistent with the prosperity and permanence of the plan.

deeper interest, and no object which he would more willingly have seen connected with his name.

The complete success of Dr Birkbeck's plan both at Glasgow originally, and afterwards in a place abounding far less with artisans, very naturally suggested the idea of giving its principles a more general diffusion by the only means which seem in this country calculated for universally recommending any scheme —its adoption in London. An Address was published by Messrs Robertson and Hodgkin, in the "Mechanics' Magazine," October 1823; and the call was answered promptly by Dr Birkbeck himself, and other friends of education, as well as by the master mechanics and workmen of the metropolis. A meeting was held in November; the Mechanics' Institution was formed; a subscription opened; and a set of regulations adopted. Of these by far the most important and one which in common, I believe, with all my colleagues, I consider to be altogether essential, provides that the committee of management shall be chosen by the whole students, and consist of at least two-thirds working men. The plan was so speedily carried into execution, that in January Dr Birkbeck, our president, most appropriately opened the Institution with an introductory address to many hundred workmen, crowding from great distances in the worst season and after the toils of the day were over, to slake that thirst of knowledge which forms the most glorious characteristic of the age; nor was the voluntary offer of a course of lectures upon Mechanics less appropriate on the part of Professor Millington, who with an honest pride declared to his audience that he had originally belonged to the same class with themselves. In the course of the year, lectures were delivered by Mr Phillips on Chemistry, Mr Dotchin on Geometry, Dr Birkbeck on Hydrostatics, Mr Cooper on the application of Chemistry to the Arts, Mr Newton on Astronomy, and Mr Black on the French lan-

guage, to great and increasing numbers of workmen. About a thousand now belong to the Institution, and pay 20s. a year. Temporary accommodation has hitherto been provided at the chapel in Monkwell Street, formerly Dr Lindsey's; and if upon such a subject we might make any account of omens, surely a scheme for the improvement of mankind could not be commenced under happier auspices than in the place which so virtuous and enlightened a friend of his country had once filled with the spirit of genuine philanthropy and universal toleration. But extensive premises have been procured in Southampton Buildings, for the permanent seat of the Institution; and the foundation has been laid there of a spacious lecture-room, and other suitable apartments for the library and apparatus. The sum required for these buildings exceeds three thousand pounds; and it has been generously advanced by Dr Birkbeck. Others have made presents of money, books, and apparatus; and I should mention with greater admiration the gift of a thousand pounds from Sir Francis Burdett, but that those who know him and who mark his conduct, have so long since become accustomed to such acts of wise and splendid benevolence, that they cease to make us wonder. Let me further express my conviction, founded upon information, that the mechanics of this great city are resolved, as they are well able, to perpetuate and extend the system; nor have I a doubt that they will, even if unassisted, erect other Institutions in those parts of the town which are too remote to benefit by the parent establishment.

The proceedings in London gave a great and general impulse to the friends of education in the country, and the town of Newcastle-upon-Tyne was the first to profit by it. An Institution for the instruction of mechanics by books, lectures, and scientific meetings, was established in March 1824, and the first meeting was held, under the auspices of Mr Turner, who

opened it with an excellent address on the 11th of May. The members are admitted by ballot; but any person paying 12s. a year is eligible; and the Committee of Management consists of the workmen as well as their masters. The library consists already of 600 or 700 volumes. Beside benefactors, there are 240 subscribing members, and the meetings for discussion are held monthly; at these, papers are read and conversations entertained upon any scientific or literary subject, with two exceptions only—*controversial* divinity and *party* politics. A fund is forming for the purchase of apparatus, and lectures will soon be commenced. Mr Turner, indeed, several years before the establishment of the society, had lectured upon Natural Philosophy to the working classes. The Literary Society, which has long flourished at Newcastle, supported by the rich, must have contributed greatly to the love of knowledge which is now diffusing its blessings among the other classes; and the excellent principle which it adopted of vesting no property or privileges in those who paid a sum by way of admission-money, but extending an equal share in its management and advantages to yearly subscribers, has been strictly acted upon by the founders of the new institution.

It is remarkable that the next example in point of time should be furnished by so inconsiderable a town as Kendal, of not more than 8000 inhabitants; and this instance is the more instructive because it shows how the system may be carried into effect with most limited resources. In April 1824 it was resolved to form a "*Mechanics' and Apprentices' Library and Institute;*" of which any person paying to the amount of three guineas in money or books, or 4s. yearly, might become a member and be eligible as well as vote for the Committee of Management. There are 150 subscribing members, all of the working classes, beside 50 or 60 by payment for life. The library

already amounts to 300 or 400 volumes; and I have a letter before me from the worthy president, Mr S. Marshall, stating that "the books are nearly all out at a time, such is the ardour for information." Original papers upon subjects of science and literature are read at the quarterly meetings; no topics being excluded from discussion except those of a polemical and party nature. A course of lectures was delivered upon the Philosophy of Natural History last autumn, and one on Mechanics will be given this spring; probably one on Chemistry also. "Great delight is stated to have been expressed by the students who attended the lectures." Except that perhaps the meetings are too few, and the yearly subscription lower than might easily be afforded, the plan of this Institution is one of the best I have yet seen; and those errors, the last especially, are on the safe side, and may easily be corrected as the want of funds for lectures and apparatus may require, and the pleasure and profit attending a scientific education shall be more and more felt.

The principles upon which this flourishing Institution was founded have since been acted upon at Carlisle; and the fundamental one, which on every account is the most steadily to be kept in view, has been wisely recognised by a formal resolution, "that such institutions are likely to be most stable and useful when chiefly conducted by the mechanics themselves;" and by a rule that two-thirds of the Committee, consisting of 21, shall be operative mechanics; the payment of five guineas, and a guinea a year for seven years makes a life member; the others pay 8s. a year, and are admitted by the Committee by ballot, and their sons or apprentices have all the benefits of the Institution. Above 300 volumes have been collected since November; 155 members have joined the Institution; a course of lectures on Natural Science has been delivered by Mr Nichol; and the workmen,

who had attended it with increasing delight, presented him at the close with a silver box, of four guineas value, with twelve pounds enclosed. The Secretary, Mr Dunbar, has been applied to by some good men in Dumfries for information upon the manner of establishing a similar institution in that town; and I have a confident expectation that the example will be followed by Whitehaven, if not by the smaller towns. In truth, no place is too small for a mechanics' library; and wherever the size will permit, such a beginning is sure to end in a lecture, or at least in some course of private instruction useful to the workmen. The town of Hawick has not above 4000 inhabitants; yet a mechanics' society and library has been established there for some time; and Mr Wilson, from Edinburgh, went thither in the autumn, and delivered a course of lectures on Natural Philosophy to 200 artisans. Out of the Haddington itinerant libraries there grew a School of Arts in 1821, established by some tradesmen who several years before had formed a society for scientific discussion; and lectures on mechanics, chemistry, and the mathematics have since been successfully delivered to the workmen by Dr Lorimer, and Messrs Gunn and Cunningham. In like manner, the example of Newcastle has been followed at Alnwick, a town of only 5000 inhabitants, where a library and a society have been founded by the exertion chiefly of Mr Johnstone; and I have good reason to believe that the same design is in progress both at Morpeth and Hexham.

The great and wealthy and industrious town of Manchester might well be expected to be among the earliest and most zealous in establishing an Institution. This was resolved upon in April, and ample preparations appear to have been made for carrying the plan into execution—£798 had been received before the end of July; of that sum £243 were annual donations; and 191 mechanics had entered their

names as subscribers, at one pound a year. A library is forming, and preparations making, I believe, for delivering a course of lectures. The management of the Institution, however, is entrusted to Directors chosen by and among the honorary members only, and these are persons who either pay ten guineas at entrance, or a guinea a year, beside the subscription of 20s. It becomes me to speak with great diffidence upon the soundness of views which may have been suggested by local considerations unknown to distant observers; but I cannot avoid expressing my earnest wish that this part of the plan may be reconsidered by the excellent and enlightened men who have promoted so good a work. Perhaps the fact of nearly as many mechanics coming forward to join the societies formed in places like Carlisle and Kendal, upon the opposite principle, as at Manchester, where the population is at least tenfold, and the pursuits far more congenial, and where I know that 1200 of the "Mechanics' Magazine" were sold the first day it appeared, may give some weight to my anxious but most respectful suggestion.

The Mechanics' Institution of Leeds has been lately formed, principally through the exertions of Messrs Scott and Marshall. Any person recommended by two members is admitted upon paying two pounds, and 10s. yearly; and any person for 5s. half-yearly is entitled to all its privileges, except that of taking part in the management. Two pounds seems too high for the admission of the workmen as generally as is desirable; a considerable number of them are no doubt members; and as such both vote and are eligible as directors, but the great majority of voters belong to the higher class. A slight change would remove this difficulty. There are 146 members and 136 subscribers already; books of the value of £500 are purchased; and every thing is prepared for beginning a lecture, offers of gratuitous assistance having been

received. The Institution is a very promising one, and the number of ingenious and public-spirited men in that neighbourhood ensures its success, provided no impediment be thrown in the way of a cordial co-operation on the part of the men. The most exemplary spirit of union among men of very different parties in religion and politics has been exhibited; and the liberality of the masters is sure to be duly appreciated by those in their service.

The Institutions which I have hitherto mentioned are formed avowedly for lectures as well as reading, and most of them have already been able to establish lectures. Some are by their plan confined to reading, and have not hitherto contemplated any further instruction; but they may easily make the step. That of Liverpool deserves the first notice, as being earliest in point of time.

The Mechanics' and Apprentices' Library at Liverpool, established in July 1823, chiefly through the exertions of Mr E. Smith, comes ultimately, if I mistake not, from a very illustrious stock; for it was formed upon the model of the plans which owe their origin to the Library Company of Philadelphia, founded by Franklin in 1731, and incorporated in 1742.* In six months 800 volumes were collected, and 400 readers subscribed; the library is now considerably increased, and there are above 600 readers. The sum paid is two guineas in money or books, for life, or 10s. 6d. a year; and every person paying either way

* Although the remote origin of these institutions may be traced to Franklin, Mr W. Wood has the high merit of establishing them on their present plan and adapting them peculiarly to the instruction of mechanics and apprentices. He founded the first at Boston in 1820; he has had the satisfaction of seeing the plan adopted in New York, Philadelphia, Albany, and other towns; and I have now before me a letter in which he says that he has succeeded in forming one at New Orleans, where he was called on business. His plan is to obtain loans or gifts of books which almost every one has beyond his own wants; and he reckons 30,000 volumes thus obtained in different towns, and as many readers.

has the privilege of recommending readers, who receive books on the guarantee of any member. The committee of direction is chosen by the whole members, and all are eligible. The method of keeping the different books of receipt, loan, register, guarantee, and catalogue, is admirably contrived for the quick and accurate dispatch of business; and is found so successful in practice, that 700 or 800 books are easily exchanged weekly in a very short time; 250 or 300 volumes being received from and as many given out to 200 readers in little more than an hour without any confusion. Where there is so much to commend, I am unwilling to hint at any imperfection; but certainly a course of lectures might without difficulty be added to this prosperous establishment; and although any mechanic may for half a guinea enjoy all the privileges of a member as the society is now constituted, it is plain that the bulk of the members do not belong to this class, although on the guarantee and recommendation of members, by permission of the committee they partake of its benefits. If all were admitted to the library and management on somewhat lower terms, or to the library and lectures upon those terms a little raised, and none allowed to partake of either for nothing, there can be no doubt that a greater interest would be excited among them, and the Institution be more firmly established and more certain of extending its numbers.

A Mechanics' and Apprentices' Library was instituted at Sheffield in December 1823, and opened in the February following, under the able and zealous superintendence of Mr Montgomery, a name well known in the literary world, and held in deserved honour by philanthropists. The rules appear to me most excellent. In the workmen is vested the property, in shares of 5s. each paid at first, and they afterwards pay 6s. a year; they form the class of *proprietors;* the others, the *honorary* members, present

gifts in money and books, and may, if chosen by the body at large, fill the offices, but have no share in the property. The committee may consist entirely of proprietors; and must have two-thirds from that body. Apprentices have the use of the books for 4s. yearly. The librarian is to attend daily and have the care of the property; he is therefore paid; perhaps this might be rendered unnecessary by adopting some of the judicious regulations established at Liverpool, and exchanging the books once a week. Every donor of a book must write his name in it, as a kind of check; and a rule has been made, as I understand, after a very thorough and somewhat earnest discussion, giving an appeal against the admission of books to the ministers of the different denominations who are subscribers; this rule has, however, never yet been acted upon. Members lose the benefits of the society if in the workhouse or in prison; but are restored when liberated without payment of their arrears. Of this admirable institution there are now 360 members; of whom 310 are proprietors, and the numbers of these increase daily. There are 1400 volumes, including some most liberal donations; all collected in nine months; and 30 apprentices receive the benefits of the society on the terms already stated. A library and philosophical society has long flourished at Sheffield, and now reckons 350 members, almost all manufacturers and tradesmen. Lectures are occasionally given in it, and I rejoice to hear that there is an arrangement in agitation for admitting the workmen to the benefit of these as soon as the new premises are ready. A letter now before me relates an interesting anecdote for the encouragement of this design. "We have in our employment a common cutler who found leisure in a bad time of trade to amuse himself with entomology, and who has made great progress in arranging a collection of insects for our museum. Another youth in an obscure station is preparing spe-

cimens of our Flora for the same. Ingenious mechanical models have been repeatedly brought before us by persons from whom little beyond ordinary handicraft could have been expected." The first two circumstances here mentioned strongly confirm the opinion which I have expressed elsewhere,* and which was grounded on actual observation of Mr Fellenberg's establishment in Switzerland, that a high degree of intellectual refinement and a taste for the pleasures of speculation, without any view to a particular employment, may be united with a life of hard labour, even in its most humble branches, and may both prove its solace and its guide.

There are other Mechanics' Institutions respecting which I have not the details, as the very thriving one at Aberdeen, which has a library of 500 volumes, a valuable apparatus, and a lecture-room for 600 students, where extensive courses on chemical and mechanical science have been delivered. The correspondence of our London Institution with different parts of the country shows that similar plans are in contemplation in various districts of England. It should seem that a little exertion alone is wanting to introduce the system universally; and this is the moment beyond all doubt best fitted for the attempt, when wages are good, and the aspect of things peaceful.

To encourage good men in these exertions—to rouse the indifferent and cheer the desponding by setting plain facts before them—has been the object of these details. The subject is of such inestimable importance that no apology is required for anxiously addressing in favour of it all men of enlightened views, who value the real improvement of their fellow-creatures, and the best interests of their country. We are bound upon this weighty matter to be instant, in season and out of season. I now speak not merely of seminaries for teaching mechanics the principles

* Evidence before the Education Committee, 1818.

of natural and mathematical sciences, but of schools where the working classes generally may learn those branches of knowledge which they cannot master by private reading. It must be a small town indeed, where some useful lecture may not, with a little exertion and a little encouragement, be so established that the quarterly contributions of the students may afterwards suffice to continue it. Moral and political philosophy may be acceptable even where there is no field for teachers of chemistry and mechanics: and where no lecture at all can be supported, a library may be set on foot, and the habit of useful reading encouraged. We constantly hear of public-spirited individuals; of men who are friendly to the poor and the working classes; of liberal-minded persons, anxious for the diffusion of knowledge and the cultivation of intellectual pursuits. But no one has a right to assume such titles—to take credit for both zeal and knowledge—if he has done nothing in his own neighbourhood to found a popular lecture, or, should the circle be too narrow for that, to establish a reading club, which, in many cases, will end in a lecture. For such a club, there is hardly a village in the country too small; and I have shown that towns of a very moderate size may support a lecture. After the success of the experiments already made, indeed, it seems little less than shameful that there should be any considerable town without establishments for popular education. I speak from the actual history of some of the instances which I have cited, when I say that one man only is wanted in each place to ensure the success of the plan. Where there is such a man, and workmen in sufficient numbers—there are all the materials that can be required. He has but to converse with a few master-workmen; to circulate, in concert with them, a notice for a meeting; or if it be deemed better to have no meeting, let them ascertain how many will attend a class; and the room may be

hired and the lecturer engaged in a month. The first cost will be easily defrayed by a subscription among the rich; or, if that fail, the collection of a library will be made by degrees out of the money raised by the students. The expense of providing apparatus ought not to deter any one from making the attempt. I have shown how much may be done with but little machinery, and a skilful lecturer can give most useful help to private study, by drawings and explanations, with hardly any experiments at all. The facilities, too, will increase; the wish for scientific education will beget an effectual demand, and teachers will present themselves to supply the want. Already it would be a safe adventure for a lecturer to engage in, where there are great bodies of artisans. In any of the large manufacturing towns of Lancashire and Yorkshire, a person duly qualified to teach the principles of mechanics and chemistry, and their application to the arts, would now find it easy to collect a large class, willing and able to remunerate him for his trouble; and it is highly probable that, before long, there will be established, in each of those places, permanent teachers upon private speculation.

But, great as the disposition to learn already is among the working classes, and certain as a lecture would be of attendants wherever it was once set on foot, there is still a necessity for the upper classes coming forward to assist in making the first step. Those seminaries are still too new; they are too little known among the artisans generally to be thought of and demanded by themselves; still more difficult would it be for them to set about forming the plans for themselves. Even in the largest towns, it is hardly to be expected that the workmen should yet concert measures for their own instruction, although sufficiently numerous to require no pecuniary assistance in procuring the necessary teachers. The present, then, is the moment for making an effort to propagate the

system; and for giving that encouragement which may at once spread those Institutions and render universally habitual the desire of knowledge that already prevails. Nor can the means be wanting among the upper, or even the middle ranks of society. There exist ample funds at present applied to charitable purposes, which at best are wasted, and more frequently employed in doing harm. I speak not now of the large revenue, a million and a half or more from endowments, which is almost altogether expended in a manner injurious to the community; not above a third part belonging to charities connected with education, and of that third by far the greatest portion going to maintain poor children, which is nearly the worst employment of such funds; while of the remaining two-thirds, only a very small proportion is spent on perhaps the only harmless objects of common charity, hospitals for the sick poor, or provision for persons ruined by grievous and sudden calamities. But I allude to the large sums yearly collected in every part of the country to support charitable institutions; and, though given from the best of motives, yet applied to increase the number of the poor almost as certainly as the parish rates themselves. These funds are entirely under the control of the contributors; and to them I would fain address most respectfully a few words.

Every person who has been accustomed to subscribe for the support of what are commonly called charities, should ask himself this question, "However humane the motive, am I doing any real good by so expending my money? or am I not doing more harm than good?" In either case, indeed, harm is done; because, even if the money so applied should do no mischief, yet, if it did no good, harm would be done by the waste. But in order to enable him to answer the question, he must reflect, that no proposition is more undeniably true than this, that the

existence of a known and regular provision for the poor, whether in the ordinary form of pensions, doles, gratuities, clothing, firing, &c., or in the shape of maintenance for poor children, in whole, or only in part, as clothing, has the inevitable tendency to bring forward not only as many objects as the provision will maintain, but a far greater number. The immediate consequence of such provisions is, to promote idleness and poverty beyond what the funds can relieve; the continued and known existence of the provisions trains up a race of paupers; and a provision for children, especially, promotes improvident marriages, and increases the population by the addition of paupers. It is therefore a sacred duty which every one owes to the community, to refrain from giving contributions to begin such funds; and if he has already become a yearly contributor, it is equally his duty to withdraw his assistance, unless one condition is complied with—namely, that no new objects shall be taken into the establishment, but that those only who at present belong to it shall be maintained; so that the mischief may be terminated within a limited time, and nothing unfair or harsh done towards those who had previously depended on its funds. I remember the time when money given to beggars was supposed to be well bestowed—a notion now exploded; yet even this exercise of benevolence is less mischievous than the support of regular establishments for the increase of paupers.*

The wise and considerate manner of proceeding which I venture to recommend, would speedily place at the disposal of charitable and enlightened individuals ample funds for supporting works of real, because of most useful charity. Let any one cast his eye over the Reports of the Education Committee and Charity Commissioners, and he may form some idea of the large funds now profusely squandered under

* Letter to Sir S. Romilly, 1818.

the influence of mistaken benevolence. Of the many examples that might be given, let one suffice; its history is in the Report of 1816. The income was above £2000, of which £1500 arose from yearly subscriptions and donations. This large fund clothed 101 boys, and maintained 65 girls; but the expense of boarding and clothing the girls was of course by far the greatest part of it, perhaps £1200. Much abuse appeared to have crept into the management, in consequence of tradesmen acting as trustees, and voting on the orders to themselves, and on the payment of their own accounts. It was deemed right to check this; and a rule was adopted, at a meeting of trustees, to prevent so scandalous a practice for the future. It was, however, rejected at a meeting of the subscribers, for which, in all probability, the tradesmen had made a canvass, and obtained the attendance of friends. Nay, a most learned and humane Judge, who was one of the trustees, having afterwards proposed a resolution merely to forbid any trustee or subscriber voting on matters in which he was personally interested, it "was rejected instantly, and therefore not recorded on the minutes;" whereupon his lordship abstained from attending any future meeting, and, I trust, from ever contributing to the fund. This is one instance only of thousands, where the money collected from well-disposed persons, who take no further charge of a charity than to pay their subscriptions, is wasted by the jobbing of too active and interested managers. But suppose there had been no direct abuse, and that all the income had been honestly and carefully employed in promoting the objects of the establishment, by far the greater part of it would have been hurtfully bestowed. Instead of clothing 101 boys, and maintaining 65 girls, at the rate of £2000 a year, the fixed income alone of £500 might have educated a thousand children, and left £1500 a year free for establishing other schools, if wanted;

and as two others of the same size would in all probability have more than sufficed to supply the defect of education which appears by the report of the West London Lancaster Association to exist in that district, a fund would have remained sufficient to support an institution for the instruction of 700 or 800 mechanics. Thus, the same money which is now not uselessly, but perniciously bestowed, might, by a little care, and a due portion of steadiness in resisting the interested clamours of persons who subscribe for the purpose of turning it to their own profit, be made the means of at once educating all the children in the worst district of London, and of planting there the light of science among the most useful and industrious class of the community. Now, within the same district, or applicable to it, there are probably other charitable funds, arising from voluntary contribution, to five or six times the amount of this single charity, and it is most likely that there is hardly one of the benevolent individuals who support it but contributes to one or more charities besides. How important, then, does it become for each man carefully to reconsider the use he is making, or suffering others to make, of that money which his humanity has set apart for the relief of his fellow-creatures, and the improvement of their condition; and how serious a duty is it to take care that what originates in the most praiseworthy motives should also end in results really beneficial to the objects of his bounty!

I rejoice to think that it is not necessary to close these observations by combating objections to the diffusion of science among the working classes, arising from considerations of a political nature. Happily the time is past and gone when bigots could persuade mankind that the lights of philosophy were to be extinguished as dangerous to religion; and when tyrants

could proscribe the instructors of the people as enemies to their power. It is preposterous to imagine that the enlargement of our acquaintance with the laws which regulate the universe, can dispose to unbelief. It may be a cure for superstition—for intolerance it will be the most certain cure; but a pure and true religion has nothing to fear from the greatest expansion which the understanding can receive by the study either of matter or of mind. The more widely science is diffused, the better will the Author of all things be known, and the less will the people be "tossed to and fro by the sleight of men, and cunning craftiness, whereby they lie in wait to deceive." To tyrants, indeed, and bad rulers, the progress of knowledge among the mass of mankind is a just object of terror: it is fatal to them and their designs; they know this by unerring instinct, and unceasingly they dread the light. But they will find it more easy to curse than to extinguish. It is spreading in spite of them, even in those countries where arbitrary power deems itself most secure; and in England, any attempt to check its progress would only bring about the sudden destruction of him who should be insane enough to make it.

To the Upper Classes of society, then, I would say, that the question no longer is whether or not the people shall be instructed—for that has been determined long ago, and the decision is irreversible—but whether they shall be well or ill taught—half-informed or as thoroughly as their circumstances permit and their wants require. Let no one be afraid of the bulk of the community becoming too accomplished for their superiors. Well educated and even well versed in the most elevated sciences, they assuredly may become; and the worst consequence that can follow to their superiors will be, that to deserve being called their *betters*, they too must devote themselves more to the pursuit of solid and refined learn-

ing; the present public seminaries must be enlarged; and some of the greater cities of the kingdom, especially the metropolis, must not be left destitute of the regular means within themselves of scientific education.

To the Working Classes I would say, that this is the time when by a great effort they may secure for ever the inestimable blessing of knowledge. Never was the disposition more universal among the rich to lend the requisite assistance for setting in motion the great engines of instruction; but the people must come forward to profit by the opportunity thus afforded, and they must themselves continue the movement once begun. Those who have already started in the pursuit of science, and tasted its sweets, require no exhortation to persevere; but if these pages should fall into the hands of any one at an hour for the first time stolen from his needful rest after his day's work is done, I ask of him to reward me (who have written them for his benefit at the like hours) by saving threepence during the next fortnight, buying with it Franklin's Life, and reading the first page. I am quite sure he will read the rest; I am almost quite sure he will resolve to spend his spare time and money in gaining those kinds of knowledge which from a printer's boy made that great man the first philosopher and one of the first statesmen of his age. Few are fitted by nature to go as far as he did, and it is not necessary to lead so perfectly abstemious a life, and to be so rigidly saving of every instant of time. But all may go a good way after him, both in temperance, industry, and knowledge, and no one can tell before he tries how near he may be able to approach him.

INDEX.

Absolute Governments, 128.
their characteristics, 148.
1st, energy and intolerance, 148.
2d, their able diplomacy, 151.
3d, their promptitude and vigour in war, 152.
4th, their addiction to war and conquest, 153.
these contrasted with tendencies of popular governments, 153.
Agents, electioneering, corruption of, 361.
Agitation, trade of, 332.
Ambassadors, what, 393.
inviolability of, 393.
America, United States, interested in European national independence, 76.
political interests of in Europe, 135-138
as to slavery, 138.
peace with, necessary to our trade, 201.
American revolution, effects on governments, 105.
Americans, great increase of trade in war time, 408.
their captures, 413.
Arago, M., arrested in Spain, 86—note.
Archidamus, his interventions and league, 58.
Aristocracies, slow to war, 93-273.
Aristocracy, French, supports the Crown, 265.
government by, 300.
Armies, standing, influence of, 34.
Assembly, constitutional, French, placemen in, 266.
Athenian constitution, 299.
Austria, her alliances and policy, 42-46.
puts down liberty in Naples, 122.
attacks France, 163.
Austrian system, aggressive, 45.

Balance of Power—
abuses of the theory, 4.
as regards France, 5.
Prussia, 6.
Poland, 7.
Hume's Essay, 11.
theory of, 12, 13.
a result of circumstances, 13.
circumstances tending to alliances, 14.
importance of fleets, 15.
of armies, 16.
influences of industry and commerce, 16-18.
of public opinion, 19-22.
in Russia, 22.
Machiavel's remarks, 23.
nations have separate interests, 24.
government can be made a science, 26.
a nation's foreign affairs very little affected by accidents, 27.
great men the results of political systems, 27.
treaties defined, 29.
four sorts of, 30.
soldiers needful, 31.
but treaties indicate the spirit of the times and the nations, 32.
ambassadors, 34.
standing armies, 34.
example, self-defence, right of interference, when justifiable, 35-37.
aggrandizements and increase of armies, 37-38.
France, 40.
Holland, 41.
Austria, 42.
Favier's work, 44.
Spain and France, 47.
Portuguese policy, 48.
fundamental principles of, 323.
Balancing System, errors of, 80.
Bavaria, constitutional, 123.

Belgium, revolt in, 125.
Bentham, a Reformer and Codifier, 218, 235, 253.
Berlin Assembly, composition of, 306.
Birkbeck, Dr, 441.
Blockade, defined, 87.
Book Clubs, 424.
Boroughs, nomination, useful, 340.
corruptions of, 350.
Bourbon policy in Spain, 48.
Bourbons restored, 118.
Brazil, state of, 143.
Brougham, Lord, in Spain, 86.
Burke, praised French revolution 83

Canada, cost of its acquisition, 90.
future independence of, 141.
Catherine of Russia, her policy, 164.
Charles II. pretexts for war, 397.
Charles X. in Scotland, 126.
Chatham, Lord, opinions under fear of popular outcry, 96.
Clause, "Interpretation," 212.
improper clauses inserted in Acts, by interested parties, 212.
Code, our want of, 207.
Coke, Lord, remarkable saying of, 216.
Commerce, its beneficial effects, 18.
Common law, need of a digest of, 226.
Commons, House of, blundering legislation, 208.
Consolidation of States in Europe, 35.
Constituent Assembly, 304, 306.
Constitutional States in Europe, 147, 128.
Constitutions, difficulty of making, 287.
instability of, 289.
experience preferable to theory, 289.
progress of the British, 292.
of Athens, 299.
Contradictions in the same statutes, 207.
Convention of 1792, its composition, 301.
Convoy, case of search and conclusions, 400.
Copenhagen, case of, in 1807, 84.
Corruption, political, 374.
Criminal Code, principles for, 229.
Cromwell, his brilliant administration, 106.
treaty with Holland, 397.

Danton, saying of his, 319.
Democracy in Germany, 304.
in Prussia, 305.
Demosthenes on external policy of Athens, 59—note.
Denmark, case of, in 1807, 84.
stript of Norway by the allies, 99.
Department for preparing bills in Parliament, proposed by author, 336.
Despotisms, Asiatic and European, 272. — See "Absolute Governments."
De Stael, Madam, anecdote of, 318.
Diction of laws, rules for, 210.
Digest of laws ought to be made, 216.
Dorian States, league of, 56, 57.
Dudley, Lord, anecdote of, 318.
Dupin, his testimony in favour of a code, 223.
Education of the people, Practical Observations on, 417.
Education, unhappy effects of sectarianism, 233.
schools for reforming criminals, 248.
Election expenses, 359.
Electioneering described, 362.
Elections, sums paid for, 370.
Emancipation of slaves in U. S. A. discussed, 138.
England, her bad management in war, 170.
how she can be useful, 172.
English politicians, their tactics, 175.
Executive, must be distinct from legislature, 307.

Fabricius, his poverty and independence, 375.
Favier, his work on foreign policy, 44.
soundness of his views, 45-47.
"Finality" untenable, 337, 342.
Flattery of the Press to mobs, 312.
FOREIGN POLICY—
doctrines of, 51.
Amphyctionic council, 52.
contributed to refinement in Greece, 54.
preserved peace and prevented aggressions in Greece, promoted independence and international law, 57.
leagues in Asia Minor, 57.
among neighbouring states, 59-66.
Hiero of Syracuse, 60.

FOREIGN POLICY—
modern intercourse of nations is systematic — of ancient states only occasional, 61.
among the Italian states, 62.
law of nations, 64.
evils arising from violation of the liberties of nations illustrated, 65-67.
general principles, 69.
general principles — 1st, alliances for mutual defence; 2d, efforts to maintain equality among contiguous powers, 69.
defensive leagues, 70.
minor interests ought to yield to general safety, 72.
dissensions sown by ambitious governments, 72.
nations ought to unite against an aggrandizing state, 73.
all have an interest in national independence, 75.
illustrations, 76-80.
mistakes in the balancing policy, 80.
domestic policy ought never to be interfered with, 81.
unless it be a cause of danger to other states, 81.
policy of supporting weak states, 83.
in India, 84.
in Portugal, 86.
aid given by neutrals to belligerents, 86.
its limitations, 87.
blockade, 87.
mediation, 88.
war, maxims of, 89.
cost of, 90.
war for national honour justifiable, 90.
duty of rulers, 91.
maxim for rulers, 91-93
public feeling an unsafe guide, 93.
errors in 1710, 94.
factious oppositions, 95, 96.
practical observations, 97
defensive alliances, praiseworthy, 198.
fallacies, 99-102.
FOREIGN RELATIONS OF GREAT BRITAIN, 103.
conduct of "Great Rebellion" and of American revolution, contrasted, 105-109.
FOREIGN RELATIONS OF GREAT BRITAIN—
effects in Europe, 109.
on British Parliament, 110.
on nations of Europe, 113.
excesses in France, 114.
success of Napoleon, 115.
his fall, 116.
Bourbons restored, 118.
the Germans, 120.
state of Italy, 121.
Naples, 122.
Spain, 122.
Bourbons expelled from France, 122-124.
Belgian revolt, 124.
effects on this country, Parliamentary reform, 125.
effects on states of Europe, 127.
governments of Europe divided into constitutional and despotic, 128, 147.
circumstances of particular states—tendencies of their peoples, 128.
of Spain, 130-135.
American interests, 135.
Washington, 136.
slavery, 138-140.
Canada, independence of, 141.
South America, 142.
Brazil, 143.
Turkey, 144.
Russia the head of the absolute party, 144.
aims at universal empire, 145.
Persia, her dependent, 146.
Poland, 146.
reflections on absolute governments—See "Absolute Governments."
Fox, his policy in 1806, 86.
France, combinations against, 5.
relations to Britain, 40.
in 1792, provoked interference, 82.
treatment of by allies, 101.
friendly footing with England since 1830, 158.
its good effects on Europe, 159.
revolutions, of 1789, its moral causes, 274.
compared with 1848, 274-279.
ten constitutions within a few years, 284.
is governed by the mobs of Paris, 314-320.

France, causes and evils of this submission, 317-320.
during last sixty years, 325.
Franchise, qualifications for, 341.
Free Trade, ultra, fallacy of, 311.
French Assembly, its composition, 301.
generals, their tactics, 174—note.
revolution—effects of, 112.
Friends, Society of, their inconsistency, 311.

George III., infatuated obstinacy of, 107.
Germany, state of, 120.
folly of her rulers in 1805, 168.
what their statesmen say of British reforms, 298.
revolution in Germany, 302.
Government reducible to a science, 26.
ancient writings on, 51.
principles of, freely scrutinized since 1775, 110.
the three forms of, and objections, 300.
Governments, absolute—see Absolute.
Greek states, leagues of, 77.
Grenville's foreign policy in 1806, 86.
Grotius, on ships at sea, 392.

Hastings, W., his Indian policy, 84.
Hertzberg's excuse for partition of Poland, 81, 102.
Hiero of Syracuse, his policy, 60.
History of republicanism in France, 325-327.
Holland, her relation to Britain, 41.
war in 1831, 127.
first war with, 399.
Holy Alliance, pretexts of, 83.
St. Vincent, policy under which he acted, 86.
"Honours of the flag," 399.
Humanity, mock, 310.
Hume, on Balance of Power, 11.

Independence not increased by wealth, 374.
"Innovations" replied to, 356.
Insurance premiums in war with U.S., 413.
Insurrections, decision in quelling, 309.
"Interpretation clause," absurdities and evils of, 212.
Intervention, principle of, 34-38.
Ireland, Parisian ideas of, 322.
Italian states, doctrines of foreign policy, 62.
Italy, struggle for liberty, 121.
politically considered, 324.

James I. contests in Parliament, 106.
Judges, "grinding law as they want it," 228.
Judicial statistics, needful in framing new bills, 336.
Justinian makes a digest of Roman Law, 226.

"King's Chambers," defined, 399.

Lamartine, anecdote of, 304.
Land, subdivision of, injurious in France, 267.
Language of statutes, how to make intelligible, 210.
LAW, MAKING AND DIGESTING, 206.
absurdities and contradictions in statutes, 209, 210, 225.
details neglected for main points, 209.
acts of one session forgotten by next session, 209, 210.
diction, rules for, 210.
forty-three law-suits from an act two years old, 211.
intentions of law frustrated, 211.
interpretation clause mischievous, 212.
sinister interests in bills, 212, 213.
code or digest, necessity for, 216.
defined, 217.
its advantages, 219.
objections answered, 221.
benefits of French code, Dupin's testimony, 223, 224.
sixty English acts in one year to amend recent acts, 225.
objections to a code examined, 226.
1st, that common law should not be written; 2d, that definitions of laws should be left to judges, 228.
criminal code, 229.
classification, 229.
statute and common law, 230.
language and form of digest, 232.
difficulties in House of Commons, 234.

LAW, MAKING AND DIGESTING—
prejudices of lawyers, 235.
good lawgivers the greatest benefactors of mankind, 237.
Law of nations, its development, 63.
Paris, school of, 321.
Law reforms, effected by old Parliament, 345.
Laws, making of, 207.
Leagues of states in Greece, 56, 58.
Lectures for working men, 432.
LEGISLATION, GRADUAL, 335.
reforms ought to be gradual and with due regard to history, 335, 356.
judicial statistics necessary, 336.
constitution not changed in 1832, 337.
nomination boroughs useful, 340.
franchise, criterion for, 341.
Lord J. Russell and Canning, 342.
test of perfectness of Parliament, 345.
Life peerage—See "Peerage."
Locke, his constitution for Carolina, 287.
Lombardy under Austria, 324.
Louis XIV., memorable words of, 155.
Luxury, increase of, 374.
Lyndhurst, Lord, assists in law digest, 234.

Machiavel, profound remarks on treaties, 23.
on the people's discernment of their own interests, 23.
Maconochie's treatment of convicts, 256.
Marriages royal, effects of, 94—note.
not always regarded in war, 98.
Maritime rights claimed by England, 186.
Mechanics' Institutions, 438–459.
Mediation, duty and operations of, 88.
Merchant ships, right of search, 389.
Mettray, Reformatory Agricultural School, its great success, 249.
Minister of justice, department of, 336.
Mixed governments, advantages of, 93.
Mobs, folly of allowing them the upper hand, 309.
other excesses, 309, 310.
Mock humanity, its errors, 310.
Montesquieu on law of nations, 29.

Naples interfered with in 1820, 83.
Napoleon, code of, 218, 247.
his wars like those of ancient republics, 98.
his successes, 115.
his fall, 116.
his tactics, 174, note, 175.
"Nationality," new theory of, 221.
"Natural enemies"—"natural allies"—explained, 39.
seem to be contiguous states, 165.
Neutral flag, its privileges, 87.
Neutrality defined and limited, 86.
importance of, 410.
Neutrals, how trade is carried on through them, 196, 197.
"New philosophy," in politics, errors of, 112.
Non-residence, electors, evils of, 361.
ought to cease, 365.

O'Connell, profits of agitation, 332.
O'Meara, B., his accuracy, 86, note.
Opportunities in war of making good terms, 94.
Orders in council, 198.
"Orders" in House of Lords on Bills, 214.

Paper blockade, what, 87.
"Paris all France," 314.
Parliament, its development in England, 293.
its reform, 295.
strange decisions of, 337.
the "old," valuable reforms it made, 345.
Parliamentary debates, character of, prior to 1775, 110.
PARLIAMENTARY REFORM—PRINCIPLES OF, 347.
uses and legitimate influences of property, 347-349.
its corrupt uses, 349.
borough mongering, 350.
described, 352-357.
these abuses not old but recent, 356.
thirty hamlets returning sixty members, 357.
expenses, 359.
agents, 361.
electioneering described, 362-364.
remedies for evils, 365-368.
committee expenses and rules, 367-369.

PARLIAMENTARY REFORM—PRINCIPLES OF—
money qualification, 370.
influence of crown, 373.
wealth and luxury hurtful to independence, 374.
orders in society—origin of changes, 377.
ministerial remedies for discontent, 379.
Partition of France contemplated by allies in 1792, 182.
Paul of Russia, his impolicy, 164, 165.
weakness of Russia in 1805, 164.
Pauperism and its mock remedies, 310.
Peerage, life, its effects in France, 265.
People, the inadequate judges of foreign policy, 93.
increasing importance of, 376.
Permanence, doctrine of, 337, 342-3.
crown, increase of its influence, 373.
Persia, dependent on Russia, 146.
Philanthropy, forms of, 310.
Piracy, all nations interested in its suppression, 76.
Pirates, 414.
Pitt, his war policy, 95.
Placemen in French Assembly, bad effects of, 266.
Poland, partition of, 7, 98, 99.
internal decay, 8, 82.
partition of, injurious to the other nations of Europe, 66.
disorganization of, 83—note.
the victim of Russian crimes, 146.
Political authors, quoted in debates, 110.
science advanced by American revolution, 110.
by French revolution, 112.
Press, its fawning to mobs, 313.
Princes addicted to war, 92; and see "Absolute Governments."
Privateer, 414.
Property, uses of, 328.
Provisional government, France, their good conduct, 320.
Provisional government and British government follow similar courses, 333—and note.
Prussia, plots against, 6.
excuse for, 81.
holds back from war with France, 165.
democracy in 1848, 306.
Public opinion, its effects on despotic governments, 19-22.
in Russia, 22.
Amphyctionic council, history of, 52.
Puffendorf, an authority in international law, 392—note.
PUNISHMENTS, INEFFICACY OF—
improvements accomplished, 241.
effects of punishments, 242, 243.
reform of criminals, hopeless, 244.
whipping greatly dreaded, 246.
code Napoleon provides for first offence, 247.
reformatory schools successful, 248.
agriculture taught at Mettray, 248.
British system, 250.
reform of culprit first object, 251-253.
Bentham's ideas, 255.
Maconochie's ideas, 255.
want of education, 260.
infant schools, 260.
factions, 262.

Quakers, inconsistency of, 311.

Rebellion, Grand (Charles I.)—its causes and effects, 106.
Reform of the laws, 207.
Renunciations of power, 74.
"Repeal of the Union" a trade, 332.
Republic, French, of 1848, history of, 269.
"Republic, but no republicans," 319.
REVOLUTIONS—
what France gained, 263.
aversion to the Bourbons, 265.
errors of 1830, and reforms needed, but refused, 266-267.
advantages of constitution, 268.
suddenness of revolution of 1848, 269.
reflections on classes of governments and of revolutions against them, 272.
that of 1789 contrasted with 1848, 274-279.
insecurity of governments in France—causes, 280.
and evils thereof, 284.
details, 285.
indifference as to forms of rule, 286.
remarks for future use, 287.
balance of interests in Britain, 291.
franchise suggested, 293.

REVOLUTIONS—
Parliament, rise and progress of, 294-296.
Germany, state of, 298-304.
Vienna assembly, 304.
ignorance of its members, 305.
want of an executive, 307.
decision in insurrections, 309.
excesses of mobs, 309.
mock philanthropy, 310-312.
flattery of mobs by press, 312-314.
"Paris all France," 314-318.
illustrations—remove seat of government, 320.
provisional government, 321.
nationality, 321.
balance of power, 323.
French ignorance, 324.
perils of France, 325.
its democracy ending in tyranny and massacre, 328.
demoralizing effects of revolution, 330.
concessions ending in rebellion, 333.
Revolution, French, effects of, 112.
its excesses, 114.
Revolutions of 1688, and in America, 105.
contrasted with "Great Rebellion," 106.
RIGHT OF SEARCH, 385.
a neutral carrying armed deserters to an enemy forfeits his neutrality, 385.
if this is done in a ship of war it is an act of hostility, 386.
searching of private ships checks injustice without resort to war, 386.
arguments in 1781 and in 1801, 387.
Russian treaty, terms of, 387.
territory inviolable, therefore ships of war, 390.
denied by Grotius, 392.
Puffendorf and Grotius good authorities, 392.
ambassadors inviolable, 393.
claims of Britain, 394.
"Narrow seas," 396.
Cromwell, with Holland, 397.
claims abandoned, 398.
Dutch war of 1652, 399.
convoy, case and results, 399.
to search ships of war untenable, 402.
RIGHT OF SEARCH,—
but lawful to pursue deserters in private ships, 403.
proposed remedy at law for the difficulty, 405.
rivalry the real motive to war with America, 407.
Americans monopolize trade in time of war, 408.
proposed remedy discussed, 408, 409.
rule of war, 1756, 409.
impracticability of prohibition, 410.
neutrality important, 411.
traders' interests, 412.
privateering denounced, 415.
Robespierre on nationality, 322.
Roman law, load of many camels, 226.
Rome, republic of, 299.
Royal marriages, 74.
Russia admits expression of public opinions, 22.
war with, justifiable, 95.
the head of the absolute party, 144.
aims at universal empire, 145.
joins in the war against France, 164.
Russian treaty of 1801, 388.

Sardinia, sovereign of, 324.
Saxony, injured by allies, 99.
Schoolboys in civil broils, 312.
Sclavonian tongue in Germany, 305.
Segur, his notes on Favier, 45.
Selden quoted on the narrow seas, 396, 397.
Silesia, war in, 46.
Slave trade, general interests of nations are against it, 77.
how put down, 311.
Slavery in America, 138.
Society progressive, so must legislation, 341.
political, consists of three classes, 376.
Soldiers, more important than treaties, 31.
South American interests, 142.
Spain, interference in 1823, 88.
succession war, 94—and note.
events in, 122.
Spain, what England ought to have done there, 178.
Spain and France natural enemies, 47.
Spain and Austria, 47.
States-General in France described, 274.

Statute of Frauds and additions, 228.
Statutes, absurdities in, 207.
causes thereof, 209.
made without reference to preceding ones, 209.
Subsidy system, its abuses, 173.
Suffrage, universal, in France, working of, 300.

Tagus, expedition to, in 1806, 86.
Test of parliamentary perfection, 345.
Torture in England and in Hanover recently abolished, 236.
Trade, British, suppressed by France, 195.
difficulty of suppressing commerce in conquered countries, 169.
employment of neutrals, 196.
Treasury boroughs described, 352.
committee of house, expenses of, 367.
Treaties, defined, 29.
indicate public opinion, 32.
based on mutual advantages, 32.
referred to, 389-397, 398.
Treaty, Russian, of 1801, 388.

Utrecht, dishonourable treaty of, 94 —note.

Vattell on ships at sea, 391.
a superficial writer, 392—note.
Vienna assembly, 304.

Walpole's government commended, 95, 96.
Warnings against agitation, 331.
War of 1756, peculiar risk of, 87.
War, maxims and requirements of, 89.
cost of, 90.
War policy—direct action the best, 173.
WAR MEASURES AS CONNECTED WITH BALANCE OF POWER, 161.
certain nations made war on France, in order to prevent France making war on them, 161.
France subdued these nations, 161.
Inconsistent pretexts of allies, 162.
Infatuation of Austria, 163.
WAR MEASURES AS CONNECTED WITH BALANCE OF POWER—
Russian interference, 164.
Austria and Prussia natural enemies, 165.
aid of Russia of little value, 166.
internal economy the best preparation for war, 167.
German folly, 168.
bad management of the allies, 169.
and of England, 170, 175, 187.
contrasted with genius of the French, 170.
miserable results, 171.
England can assist by *subsidy*, by *direct co-operation*, or by *diversion*, but *only in one of these ways*, 172.
French policy, 174.
contrasted with England, 175-178.
British policy characterized, 179.
prospects of Spain in 1808, 181.
"British objects" and sinister motives of allies, 182.
British errors in Holland, 185.
in the East, 185.
maritime rights, 186.
injudiciously urged, 187.
new mistakes, 188.
plan discussed for safety of Britain, 192.
conduct to nations subdued by France, 193-195.
Russia aids France, 196.
neutrality of U. S. A., safeguard for Europe, 199.
and necessary for our trade, 200.
delusions on national honour, 200.
right of search, 201.
domestic reforms and prospects of Britain in 1809, 204.
Washington—his tendencies, 136.
Wellesley, Lord, his policy in India, 84.
West Indies influence slavery question in U. S. A., 139.
West India interests in 1807, 412.
William III. on law of nations, 223.
Wirtemberg, government of, 129.
Words, use of, important in statutes. 210.

PRINTED BY NEILL AND COMPANY, EDINBURGH.

19